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ABSTRACT

Intended for those concerned with the prevention, control, and rehabilitation aspects of juvenile delinquency, this training manual is the first of a three-volume series addressed to decision making in the agencies of juvenile justice. An introductory section discusses the problem of training, along with the background and rationale of this set of curriculum materials. Following the introduction, two separate juvenile offense cases are presented and discussed from the time police first become aware of them, through probation, and to their final disposition by the court. The decisions made at each level are followed by a series of discussions highlighting some of the problems involved, and readings which are relevant to the decisions are incorporated. Related volumes are available as VT 014 826 and VT 014 827 in this issue. (SB)

ED 060206

Vol.1
Introduction
case one
case two

The HANDLING of JUVENILES from OFFENSE to DISPOSITION

VT014825

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Vol. 1
Introduction
case one
case two

The HANDLING of JUVENILES from OFFENSE to DISPOSITION

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U. S. DEPARTMENT OF
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. . . . See everything, overlook a great deal,
correct a little . . . .

(from a San Francisco fortune cookie)

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FOREWORD

Police, probation officers, and judges see juveniles every day. The decisions made by these officials are crucial.

A police officer who makes out an arrest form on a juvenile thereby labels that juvenile, in many eyes, as a delinquent. If the juvenile is referred on to the probation department and to the court, he may be officially adjudicated as a delinquent and sent to a correctional institution. Each step in this process is important. Making the process as effective and constructive as possible is a major task requiring a considerable amount of knowledge. The development of this body of knowledge is an ongoing job for those interested in the prevention, control, and rehabilitation aspects of juvenile delinquency.

This training manual is designed to serve two purposes: (1) It presents five case histories from the initial encounter between police and the juvenile, through probation, and to the final disposition by the court. The continuity of this process--or lack of it--becomes evident. (2) It incorporates social science readings which are relevant to the decisions made at the various stages in the process.

The Office of Juvenile Delinquency and Youth Development considers this material an important part of the developing body of knowledge about crime and delinquency.

The document has been reproduced with a minimum of change. The informal format--case histories reported through conversations and actual forms for verisimilitude, double-spacing and wide margins for easy note-taking, an unacademic style--appears better designed to interest the practitioner than a more scholarly and theoretical document. It is a workbook rather than a treatise.

It is one in a series of documents produced by this Office in the hope that this knowledge can be transmitted to and utilized by those in the field faced with the daily task of dealing with the young offender. The views expressed in this document do not necessarily reflect the position and policy of the Department.

ELLEN WINSTON
Commissioner of Welfare
Welfare Administration

PREFACE

This volume is the first in a series of three volumes addressed to decision making in the agencies of juvenile justice. It discusses the problem of training generally and the background and rationale of this set of curriculum materials. The document presents and then discusses two separate juvenile offenses from the time police first become aware of them up through their final disposition by the court. The last volume is an instructor's guide for use by training officers who will lead group discussions of the cases.

The curriculum materials are a wide departure from those conventionally prepared for use by police, probation officers or juvenile court judges. They were prepared jointly by a team of scholars and experienced practitioners. The process of juvenile justice is viewed as a continuum through three separate agencies with considerable attention given to the decisions made at each level which affect the whole process. The cases are also unusual in that they ask the reader to place himself in the shoes of the officer making a decision, using the information he has in a simulated situation to develop skill in deciding what he must do. Each case places the reader in a juvenile bureau one evening, in the intake division of the probation department at another point in time, and on the bench when the case is finally being adjudicated. This necessitates a description of the community in which the agency is functioning, some notion of the formal organization of the agency which is the locus of action and the procedures used to process youngsters. The introduction in this volume supplies that information.

The decisions made at each level are followed by a series of discussions highlighting some of the problems involved. The discussions represent a blend of the insights and knowledge of experienced people in the field of juvenile justice who worked closely with project staff for a year and the relevant insights of the behavioral sciences as they apply to working with juveniles in trouble. Short excerpts of important observations or studies are actually included.

There are several assumptions operating in the materials. One is that there should be a maximum amount of cooperation between the three agencies of juvenile justice in addressing the problem of delinquency. Cooperation reduces the irrational features of the whole process and in the long run has a constructive impact on the juvenile subjected to its influences. Another assumption is that it should be clear to the youngster what is occurring and what is likely to occur at each stage in the process. The overall general assumption is that every effort should be made to contain the problem represented by the offending juvenile within the community. Delinquents are not effectively treated if they are removed from our sight. Every young person must one day return to the community. We take a calculated risk of confirming and deepening delinquent tendencies by placing large numbers of youth in correctional facilities.

If the materials permit us to increase our understanding of juvenile justice, to gain new skills and techniques which will allow us to discharge our functions in a constructive day, then new and more ingenious approaches for addressing the national problem of delinquency may be generated.

The views expressed in this document do not necessarily reflect the position and policy of the Department of Health, Education, and Welfare.

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SOME COMMENTS ON THE RATIONALE OF TRAINING

WHY IS TRAINING NECESSARY?

Everyone agrees that society is faced with a serious problem of teenage delinquency but its extent is not yet well defined. At different stages in this book we shall discuss many of the causes of the increase in juvenile crime. The current inclination of agencies is to combat it by calling for better facilities, more pay, more efficient selection procedures, and an expansion of research. Probably the loudest cry is for more and better training.

Much discussion has centered around the question of what sort of training is most suitable. Should the probation officer have a sociological or psychological training; should he be grounded in the law? Should the policeman be concerned primarily with detection or with prevention?

This book does not set out to examine the status problems of police and probation officers, but their current professional roles are perhaps best illustrated by comparing them to the general practitioner in medicine. The general practitioner is the man on the spot. He has a basic knowledge of the remedies available and knows the extent to which he can apply them, or whether he must call in a specialist. He himself is not a specialist but he has a good grounding in most subjects and knows his own limitations. The analogy holds well. The policeman or the probation officer is the man on the spot. He meets the problem when it first arises, or at an early stage, and must decide what to do with it. Many times he can handle it himself, but frequently he must call on the help of others. Whatever the role each sees himself fulfilling, it is clear that there is need for more training. It is to this need that our book is directed.

One normally thinks of a training manual as addressed primarily to trainees and newcomers. The increased use of inservice training has done much to remove this misapprehension. But inservice training concerns itself largely with formal changes in the law, with new techniques and procedures. It can seldom include large-scale and basic innovations. The rapid changes which have come about in juvenile laws and in the community attitude to delinquency go much deeper. They represent the introduction to law enforcement of a different philosophy; a philosophy which has been emerging for some time and is now being expressed in laws. So deep down have been the changes that their effect is just beginning to be felt. The whole outlook of agencies towards juveniles is beginning to evolve in a new direction. The administration of juvenile justice is no longer seen as a series of separate steps in the life of the delinquent, but as a continuous process in which what is done at one stage cannot be separated from what happens at the next. Retraining must take this continuity into account. An attitude in any agency, or at any level, which is out of accord with the overall philosophy can have a far-reaching and damaging effect on the smooth running of the whole system, just as surely as the same discontinuity in the process of juvenile justice can damage the youngster who is subjected to it. Our basic assumption is that the process will have a constructive impact on the juvenile if it is continuous, complementary, and benign.

To achieve and consolidate the change in the philosophy of handling juveniles means retraining at all levels in all agencies. It cannot be done by one book, but we hope this manual will point the way. Now let us take a closer look at the areas at which new training needs to be directed.

* * * * *

DIVERSITY OF TRAINING NEEDS

Police departments are organized in various ways. Some are so small that they cannot specialize, but the larger ones usually provide special services either from a centralized headquarters or in area substations. There are three important police levels at which training in handling juveniles should be directed. Firstly, the patrolman on the beat must be made aware that juveniles are not just small adults; he must remember that the law regards them quite differently, and that they cannot be handled efficiently with the same techniques used on adults.

Commanders of area substations or of watches must also be made aware that juveniles present special problems and that they should call upon the special services of the juvenile bureau to deal with them as they would call upon the homicide squad or the criminal investigation detail in the case of a crime committed by an adult.

These are two levels where much training is needed. The third level in police work is, of course, the juvenile bureau itself. A training manual to be used by the juvenile bureau must attempt to introduce the newcomer to the work in such a way that he can quickly understand the basic characteristics of the juvenile law and its philosophy as well as learn the techniques proved to be most effective in handling youngsters.

It is obviously of little use to train men in specialized ways of handling juveniles and to make them conversant with the new legal philosophy if they are to be set to work under an administration which takes no cognizance of these major differences and the important changes in technique and attitude. This manual is not designed to instruct the administrators, but it may give them better insight into the ways of handling youngsters. If they benefit by reading it, something will have been achieved. On the whole, however, top police administration is well aware of the new philosophy and has created a structure which is capable of taking into account the differences of outlook which the legislative community holds towards juveniles. The greatest need for training seems to be down the line among patrolmen, command officers, and juvenile officers. It is hoped that the manual will be useful at all these levels by bringing about the realization that there is a whole body of practice -- already developed and legally fortified -- which is helpful and informative in handling juveniles.

Some retraining of probation officers is also needed, but the manual is primarily intended for the training of new recruits and for the orientation of those who transfer from other branches of social welfare. Probation departments, like police departments, vary in size and complexity. Their task begins where the police task ends (by far the greater number of probation referrals come from the police). Decisions are made at the intake level on whether to dismiss a youngster, put him on voluntary probation, or file a petition to initiate court proceedings. The probation department is responsible for the social investigation which forms the basis for the recommendation to the court. We are concerned here with the decisions made by probation personnel up to the point of formal adjudication. The process of supervision and casework that follows court disposition is an essential feature of probation services, but it will not be the focus of attention in this book -- except when it touches on existing court wardship.

The materials developed here will be relevant to the intake officer who screens the youths coming to the probation department, decides what action to take about them, and conducts social investigations to aid him in arriving at a recommendation.

The probation officers whose main task is the supervision of wards will benefit from a closer look at the process which results in the assignment of a case to them. This knowledge should also give them some understanding of the context in which they operate and the role other agencies have had in bringing a particular youngster to them.

Finally, the manual should help policy makers in the probation field to recognize the unintentional effect of some probation practices on police, court, community, and juveniles. Such recognition may lead to a better use of probation services which will make the process of juvenile justice a more continuous one.

The practice of juvenile court judges varies considerably from county to county. In some areas the judge hears all juvenile cases, including detention petitions. In others, he appoints referees to relieve him of some of the burden. In some jurisdictions the judge holds office for several years, and in others a new judge comes to the juvenile court every year.

Whatever the practice, the turnover in judges and referees is fairly high and many of them come to the bench quite unaware of the philosophy and outlook of the juvenile law. A handbook which outlines the whole juvenile process from the first questioning by a police officer to the final adjudication, and which expresses the views and practices of all the major interested agencies, should enable the court to understand more fully its role in the process. Reading the training manuals of the agencies is one of the best ways to achieve this understanding, and to that end we hope that the book will be of some use to the judiciary.

As everybody knows, the best cure is prevention, and the removal of the desire and the opportunity to commit delinquent acts is a task which has to be undertaken at a community level. It is not the special prerogative of any one agency, though some are more concerned with it than others. However, every agency attempts in some way to prevent juvenile delinquency, whether it be on a personal, family, or community level. But prevention is of little use unless it can be coordinated over a wide area, and coordination depends upon an understanding of what a number of other people and agencies are doing. If this manual can help to achieve such understanding while indicating ways in which preventive measures can be improved, it will have gone no mean distance in attacking the problem.

In this respect, then, the book addresses itself to all levels in all agencies; to police officers, probation officers, judges, social workers, teachers, and political leaders. It addresses them as members of their professions and as members of the community at large with a responsibility to understand and to live up to the laws.

* * * * *

THEORETICAL CONSIDERATIONS

Sooner or later, training for juvenile work turns to the consideration of a large mass of theoretical matter from the social sciences. Presumably, by sifting this substance, the trainee is expected to learn more about the community and the family which nourish the delinquent youngster, and to recognize the gross psychic disabilities which afflict some young people. If the intention of this sort of training is good, the results are not always so.

Operational people sometimes find that social and psychological theory does not seem related to their daily routines. Moreover, theory is often expressed in a specialized way which discourages many readers. When it is popular enough to appear in training manuals, it is often out of date.

There is another, subtler, danger in the application of theory. Men who have had a smattering of psychological theory frequently believe themselves competent to deal with chronic personality problems. They are not. Psychological knowledge can be a resource which helps the officer perform his job, but it is emphatically not his job to set himself up as a practicing psychologist. The purpose of and sole justification for a rudimentary knowledge of psychology is to enable the officer to recognize personality disorders in their early stages so that he may refer the children to competent agencies.

Psychological theory is obviously important to the understanding of criminal behavior. However, we should like to call attention to the useful insights into delinquency which sociology offers. Both psychological theory and sociological theory are among the tools which a knowledgeable officer uses every day to make decisions. Neither should be emphasized to the exclusion of the other.

All of the material from the social sciences which is used here has been adapted to illustrate the decisions at issue, and when it has been necessary, we have digested and simplified the material. Condensed versions of the more useful social sciences articles accompany each case.

BACKGROUND OF THE MANUAL

OBJECTIVES

This manual is concerned with the exercise of discretion by all officers who come into direct contact with juveniles. It will attempt to examine when and how decisions are made and what is taken into account, both consciously and unconsciously, when making them; how practical and legal considerations are weighed against theoretical considerations; how far the ideal must give way to the possible, and ethical practice to public pressure. In short, we are attempting to get into the mind of the officer when he makes the decision, to examine what he takes into account in so doing and to make explicit his thinking.

Every decision differs in some respect from the next. Only a limited number of decisions can be examined in one book, and since it is part of the nature of discretion that it deals with qualitative rather than quantitative matters, it would be presumptuous to attempt to formulate a set of rules or general principles for decision making. Consequently, the manual can do no more than examine decisions that have been made and then speculate on how they might have varied under different influences of both a practical and theoretical nature.

What follows will serve as a general guide in similar situations. It is up to you to consider problems which we have neglected or omitted and to bring to bear on them your own knowledge and experience gleaned from life, from other books, and from whatever new insights your application of this book to your work may lead you.

This book is not intended to be an authoritarian book. We hope that it will be authoritative, a source which will supply answers to the many problems that arise in everyone's daily work. It is up to you to see where you fit into the organic process described here and to see how critical your actions are to the lives and actions of others. It is up to you to strive to understand better your role in the whole of the process through which a juvenile delinquent must pass if he is to achieve the status of a good citizen.

* * * * *

ORIGINS AND METHODS

One may wonder why we should include a section which deals with the origins of the manual. The simple fact is that we think a better understanding of its contents will be derived from knowing how they were gathered. Moreover, since the method by which the manual was put together is integrally bound up with its contents, it seems essential to include a section on its evolution.

When the Department of Health, Education, and Welfare asked the School of Criminology to undertake the development of core-curriculum materials for the training of agencies which handle juvenile delinquents, we found that our task covered a vast area, both geographically and in subject matter. Our first problem was to limit our work to manageable proportions. An examination of existing training materials, intended for national distribution and use, showed that at the best these books confined themselves to very general principles and at the worst to ineffectual exhortation. We therefore decided to use a new approach to the problem of geographical applicability. This book has been written specifically for the Bay Area counties of Alameda, San Francisco, and San Mateo, but we have tried to write it in such a way that it can have a wider application.

The problem of limiting the subject matter to be included in the material proved more difficult than we had anticipated.

At the outset we examined the training manuals of agencies in 14 large urban areas across the Nation. They stressed two fields of training, theoretical and practical, but did not lead the reader to relate them to each other. The private knowledge and experience of older workers were seldom included in training materials, but circulated, apparently by haphazard word of mouth, on the job. We wondered if it would be possible to get the experience of these men down on paper, or rather, how it would be possible. On reviewing this problem we concluded that we had three choices: working in a police department or a probation department for several years; spending a like amount of time on a judge's bench; or picking the brains of the professionals. We chose the third method.

After extensive meetings with the heads of agencies in the Bay Area, panels of professionals were formed in the counties of Alameda, San Francisco, and San Mateo. These panels ranged in size from five to thirteen members and every aspect of the agencies was represented.

In the Alameda County Probation Department, boy and girl divisions were represented at the intake officer and advisory levels; research and supervision were also represented. We met with officers of the Oakland

Juvenile Bureau ranging from the deputy chief of police and the head of the Bureau to experienced line officers. In the San Francisco Police Department, our panel consisted of the captain in charge of the Juvenile Division and a cross-section of inspectors and assistant inspectors. In the San Francisco Probation Department, the panel was made up of the supervisors of every division in the department including, originally, the Neglect Division. This Division, unfortunately, had to be dropped in the early stages as it was too large and would have impinged upon our time to the detriment of other kinds of juvenile work we thought demanded more immediate attention.

Only the panel representing San Mateo County differed widely in its makeup from the others. There we met regularly with a joint panel whose representatives were drawn from the various county departments, and included sheriff's officers, probation and mental health workers, and the juvenile court judge.

On an average, our staff met with the members of each panel once every three weeks and discussed various aspects of their jobs with them. The object of these meetings was twofold. We wanted to elicit as much information as possible about the way in which they work, their attitudes and insights towards the problems, and the knowledge gained from years of working with youngsters. We also wanted to bring to their notice, for the purpose of finding out whether they could or would use it, academic theory and research which might help them in their tasks.

Each panel presented a unique dynamic situation, and several sessions were necessary before the staff of the project was able to know how best to conduct the meetings. For example, when the panel consisted of junior and senior members of a department, care had to be taken to see that the younger members were encouraged to express their points of view. On the other hand, when a panel consisted largely of heads of divisions, the sessions tended to become general staff meetings until we learned to avoid this. The internal policies of the different departments were reflected in the meetings and sometimes it became necessary for the staff members to acquaint themselves with the past history of the departments.

Soon after we began to collect materials it became obvious that the work of the panel would have to be supplemented from time to time by visits to observe the actual work of the agencies. These visits for the most part were undertaken at the invitations of the panels themselves.

THE ACADEMIC APPROACH

For many years the academic community has been instructing public agencies in how to conduct or not conduct their business. This book is a radical departure from that practice. We have not handed down dogma from on high, nor have we sought to force academic theory upon unwilling listeners; instead, we have tried to be of practical value to field agencies. We have, in fact, gone hat in hand to the field worker and asked him if we would be of any assistance in helping him to do his job. We have said, "We know very little about what you are doing, but if you will tell us how you do your job we will see what we can produce of value and relevance from the academic storehouse. Between us we may be able to produce something which combines your experience and our theory, and which will be of some use in the future training of your department."

Consequently, we are not concerned in this book with advocating one point of view to the disparagement of all others. We do not advocate a particular course of action. We say only that a certain way of handling a situation has been tried out and found to work, or that a certain theory has only limited application. The book considers many different practices and gives reasons for and against them. It does not categorically include or exclude any of them. It is up to the reader to take and use those which he feels can help him and to reject those which cannot. Different practices can be used at different times with varying degrees of success, dependent upon the departmental policy at the time. No one, least of all those in the academic community, can state categorically which practice, which attitude, or which course of action is right.

* * * * *

PROCEDURE AND STYLE

In writing up the materials, the following procedure was adopted. A proposed section of the manual was prepared and revised by the staff, then submitted to consultants for comments and revision. The revised transcription was submitted to the panels for comment and their advice was taken into account in the final production of the material. This may sound like a simple procedure, but it was not.

Our greatest problem was to find a style which would achieve all the ends that we had in mind. The purposes of the book required that it be sufficiently self-contained to be read with advantage by individuals, and consequently it had to be interesting; on the other hand, it had to provide the basis for classroom instruction. What we wanted, it seemed, was a sound, solid textbook. By Ernest Hemingway!

Furthermore, most agencies have standard and rather stereotyped ideas of what a training manual should be. They have been brought up on the usual publications which are divided into headings and subheadings, paragraphs and sub-paragraphs, sections and sub-sections. They are used to manuals written in a "do this, don't do that" style. It became very clear to us at the outset that work with juveniles cannot be expressed in this way. The juvenile law encourages the wide use of discretion, which is more accurately expressed in such terms as: "This is a better course of action under these conditions provided that so and so, etc...." In other words, we needed a training manual which would lend itself to open-end discussion, which would draw no hard and fast conclusions, and which would stimulate the reader to think about the problems. The main difficulty in the writing of the manual was that the only style in which this could be done was one which did not correspond to the "textbook" formulas to which agencies are accustomed.

The second problem in the style of writing involved the different levels of training. Could the same book interest both the patrolman and the judge? The solution seemed to lie in choosing a method of general interest to all readers, and this we think is the case study method. Cases about people are interesting, however they are written, and so in the following pages we have built our training manual around a series of authentic, although modified, cases. The reader will not find exciting murders or lurid sex crimes, but merely an account of the daily events in a typical agency or police station.

Sometimes, for literary convenience, periods of time have been shortened, reports condensed, and documents omitted. We hope the reader will understand the reason for these modifications. The structure of the manual demands that we establish some sort of departmental procedure and we have developed one which best suits our purpose. We hope that readers will easily be able to adapt our hypothetical structure to their own departments. By using it here, we certainly do not hold to the view that it is the only successful one.

* * * * *

HOW TO USE THE MANUAL

Each case traces a story from an originating event up to a final disposition by the juvenile court judge. There are certain advantages in being able to trace the path of the juvenile through three separate agencies. Crucial decision points can be seen in some kind of regular sequence. The complicating developments which occur at successive stages in each case - as in real life - are easier to follow. Training officers can elicit discussion on the implications of decisions for the effective operation of the whole juvenile justice process. The organization, in short, emphasizes the continuity of the agencies which must deal with the juvenile.

The cases can be reorganized, however, in terms of specific police, probation and court operations. There are some advantages to this approach. The volume of traffic at any given moment of time in the life of an organization is captured. Decisions must be made rapidly on the spot, sometimes with very limited information. A high premium is sometimes placed on developing some fairly workable rules of thumb in making decisions. The situation of individual officers who often do not know what happens after a case has left them is more like the day-to-day operation in a given agency. In short, if some kind of authenticity is the goal, then training officers may elect to divide the manual, using some kind of ring binder, into a police, probation, and court section.

The manual was prepared for group use with newer personnel working with delinquent youth. It goes without saying that individuals, whether at the policy making or operating level, should profit from an individual preview of the cases.

* * * * *

THE POLICE AND THE JUVENILE

"Never shoot at a juvenile."

"Never pursue one when he is in a car."

"Never try to make a deal."

These three injunctions signify a new police attitude toward juveniles and a distinction made between them and adults. But do juveniles differ from adults when they commit crimes? If so, how? And what do we do about it? These are questions which bother the policeman.

The adult offender, like any other adult, is presumed to be responsible for his acts and their consequences within the community. He cannot plead ignorance of the law or irresponsibility under the law because it is part of his function as an independent adult to know about the structure of the community, the rules with which that structure is maintained, and his responsibility under those rules. When an adult commits a criminal act, it is assumed by the law that he took a calculated risk in order to achieve his purpose.

A juvenile may be considered responsible for knowing whether or not his acts are forbidden, or expected of him, or simply allowed, and whether or not punishment is likely to follow. It is probable, however, that his inexperience will prevent him from understanding the need for rules; it is less probable that he will be aware of the extent to which his acts may have consequences for the larger community. A youngster usually engages in criminal activity in order to communicate or express something, and he has an unrealistic view of the nature and extent of the risk involved. In every aspect of social life, the restrictions imposed upon juveniles differ from those imposed upon adults, and the allowances made for juveniles differ from those made for adults. Except under unusual circumstances, children and adolescents are not able to cope with adult responsibility.

The adult offender may be performing a communicative or expressive act too. However, it is dangerous to assume this. Whether or not the adult criminal is professional, his knowledge of the social structure, police methods, and human behavior, coupled with his physical and mental maturity, and the mobility and privacy generally afforded him, may result in his being dangerously competent. The adult offender must be treated as dangerous, and as an opponent whom the police officer must meet on equal terms.

The juvenile offender, on the other hand, rarely attempts to think through a criminal act before entering into it; when he does attempt to plan ahead, his lack of knowledge and experience makes his effort a crude and inefficient one. Lacking the privacy and mobility of an adult, the juvenile can seldom store equipment to be used for crime prior to the act, or easily dispose of loot after the act; he cannot operate in places far from his normal haunts, or disappear if he thinks that he is under suspicion. If a juvenile keeps stolen goods or attempts to spend much money, he is sure to draw attention to himself in the community since he is dependent upon others for his livelihood.

Consequently, the crimes committed by juveniles differ from those of adults. One seldom finds youngsters engaging in organized crime on a large scale (although older boys sometimes fence stolen goods). Crimes of fraud or check-passing by children are seldom successful, and robberies or burglaries involving large sums of money are rare. Youngsters confine themselves to the more naive, simple crimes. Probably the most common is petty theft, with auto theft and burglary close behind. Assault and malicious mischief also occur frequently. Offenses against liquor laws are common but are usually dealt with by local police departments and seldom reach the courts. Most girl delinquents are involved in sex offenses.

Many attempts have been made to answer the "why" of juvenile crime. Juvenile offenses have been called acts of defiance against a society which may be frightening, confusing, or rejecting; they have been called the product of a competitive society; they have been called bids for attention and attempts to work out personality disorders. These theoretical explanations are of some value in understanding a particular child. At the police level it is advantageous for the officer to know that more than one cause may exist and that a child can be referred to specialists in more than one professional field. The officer must always work with the "why" only partially answered, doing what he can within the framework of the law and his job to lead or to force the youngster into more sensible and acceptable behavior. Juvenile delinquency is indeed a serious problem, but the whole philosophy of the juvenile court law makes it clear that it is not to be handled in the same way as adult crime. The juveniles of today are the adults of tomorrow, and the delinquents of today may easily become tomorrow's hardened criminals. It is largely to diminish the chances of this happening that the juvenile law and juvenile court philosophy have been established and maintained.

Keeping children on the straight and narrow path is a matter of education and understanding, not incarceration and repression. The law is designed primarily to make them responsible citizens by instilling internal discipline into them rather than forcing external discipline upon them.

It is within this framework of understanding, education, encouragement, and help that the police officer must work. All other agencies of justice and many community organizations concerned with juveniles are geared to this philosophy. If the police officer fails to understand it or adhere to it, the resulting discrepancy in handling youngsters is likely to prove as frustrating to good law enforcement as it is to the juveniles themselves. Therefore, the questions asked at the beginning of this chapter are not as naive as they may sound. Juveniles do differ from adults in the types of crimes they commit and the way they commit them; they do differ in the attitudes they have towards society and towards their own actions; they do differ in the responses which they give to the way they are handled. If the whole of society's machinery for helping them is to be effective, a uniformity of outlook which takes those differences into account must be encouraged.

From the policeman's point of view, knowledge of delinquency is of practical importance. He must know what to do on the spot, and his action will be conditioned by many things -- the nature of the crime, the attitude of the children, their previous history, departmental policy, the sensitivity of his superiors to community pressure, the conduct of the court, relations (or lack of them) with the probation department, and a myriad of other influences. By far the most important influence is his role as a policeman in the process through which the child must pass.

We cannot deal with all these influences in a few pages, but we hope to show the extent to which the police are expected to use discretion in the handling of juveniles.

* * * * *

The manual is a narration of five offenses committed by groups of juveniles. Through the eyes and mind of the officer responsible for making a screening decision, you will see the five cases being handled in a juvenile bureau. You will read the same reports he reads, and share some of his thoughts and feelings about them. We want you to understand how and why this officer makes his decisions. We also want you to think independently and to propose other solutions to the problems.

THE JUDGE AND THE JUVENILE

The late Jerome Frank observed:

> Everyone knows that an ass remains an ass, no matter how excellent his schooling. Skill in any profession calls for intuitive qualities,--in "reasons of the heart"--that cannot be taught. In any profession, a man possessed of such qualities may go far with a poor education; some of our wisest, ablest lawyers and judges were graduated from inferior law schools....Yet no one suggests that, relying on the innate gifts of exceptional men, we should shut down our better professional schools.

Formal training and education do not in themselves guarantee a competent judicial performance. The judge must make his own decision, independent of the pressures put upon him to support professional "expert" opinions, but there is no assurance that his decision will be a wise one. The cases that follow are based on actual hearings and they are intended to serve as examples of what in fact often happens in juvenile court. The judge is human, and in his attempt to guide a youngster toward a better life he is likely to make mistakes. Therefore, the cases presented here are not models to be followed. They were selected to illustrate the problems that arise and the various strategies devised by judges to deal with them. This manual will serve its purpose if it enables the new judge in juvenile court to draw upon the experience of his colleagues who have already traveled the road and encountered its deceptive terrain and dangerous curves.

* * * * *

THE FORMS

The reader may be surprised to find that the forms used in this manual are not those actually used in his department. There are two reasons for this. First, the manual will be made available to several agencies using quite different forms, and second, we hope to put into effect, through the forms used, improvements suggested by current research in information-handling procedure.

Since the juvenile court procedure is not considered a criminal procedure, we have done away with terms that might make the child believe he is involved in a criminal court proceeding. We no longer use an ARREST REPORT, FIELD INTERROGATION, HOLDING TAG, JUVENILE RECORD SHEET, CITATION FORM, etc. These (and other forms) have been replaced by a JUVENILE CONTACT REPORT and a JUVENILE PROCESSING REPORT. The use of this new terminology allows a department a good deal of leeway in determining the nature of the relationship to be established with the juvenile.

Much effort has been expended by police, probation, and judicial officers to make the process of handling a juvenile a continuous one. We have tried to facilitate this by using a set of interdepartmental forms: The JUVENILE PROCESSING REPORT (which replaces the ARREST REPORT in the field); the JUVENILE RECORD SHEET in the Juvenile Bureau; the INTAKE REPORT at Juvenile Hall; and either a central index file or part of the jacket-face sheet (or both) in the probation department. It would, of course, be in several copies or, perhaps, with the increasing use of inexpensive reproducing machines, one copy reproduced several times.

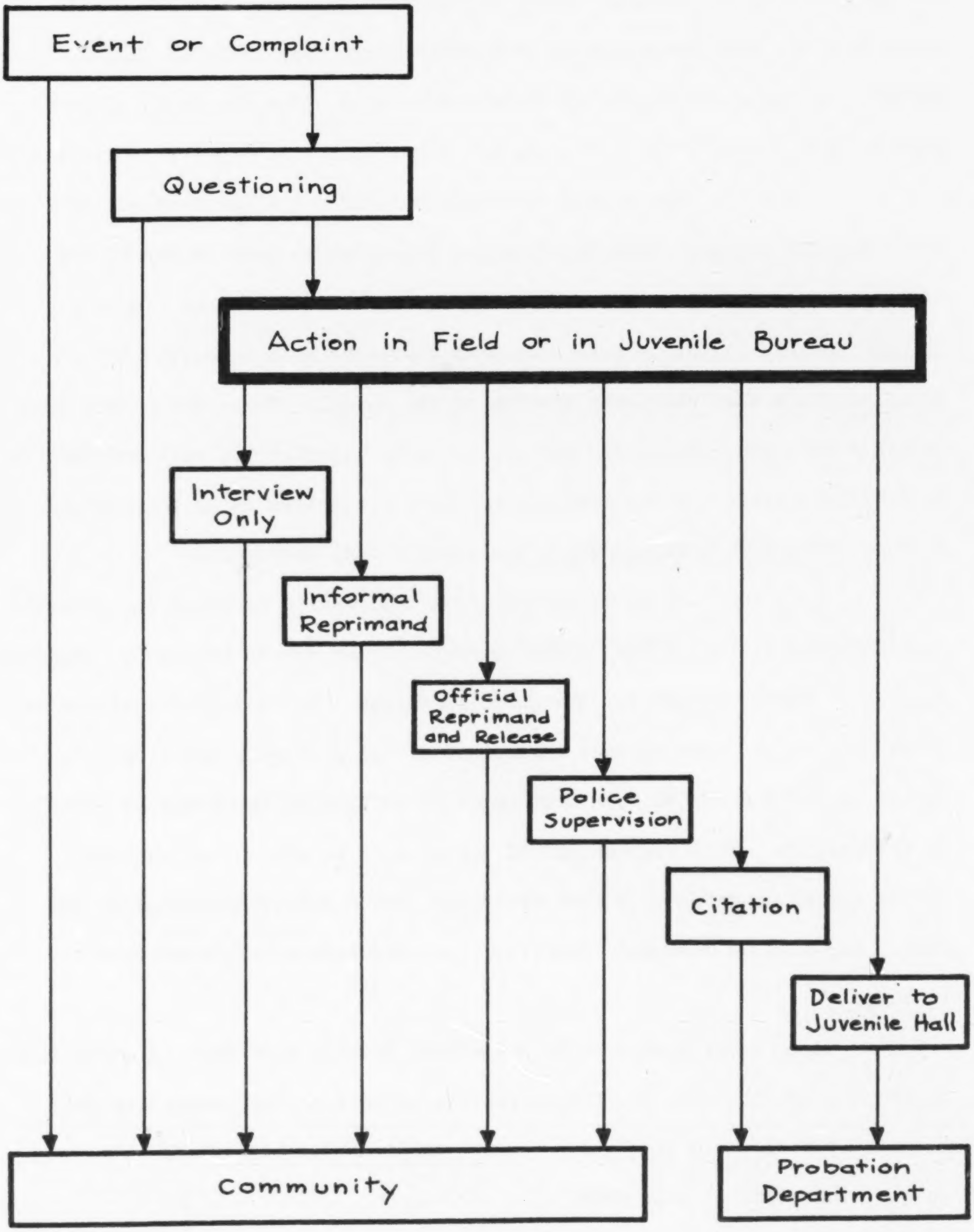
The police officer in the field has been confronted with a multitude of forms. He has had to deal with the FIELD INTERROGATION REPORT, the HOLDING TAG, the ARREST REPORT, and several types of CITATION FORMS. These have all been consolidated in a single form, the JUVENILE CONTACT REPORT. Reducing the number of forms used should allow the field officer more time to concentrate on filling out the single existing form correctly.

Different departments use different names for the same action. In every case we have taken the simplest nomenclature used by any of the agencies studied. There may be a limit beyond which increased simplicity is not feasible -- but we have been less concerned with exhaustively detailed forms than with easy reading of the manual. These forms have been designed to convey as clearly and concisely as possible the case information we feel is relevant to the trainees in all the agencies using this manual. We have omitted information which has use for only one agency.

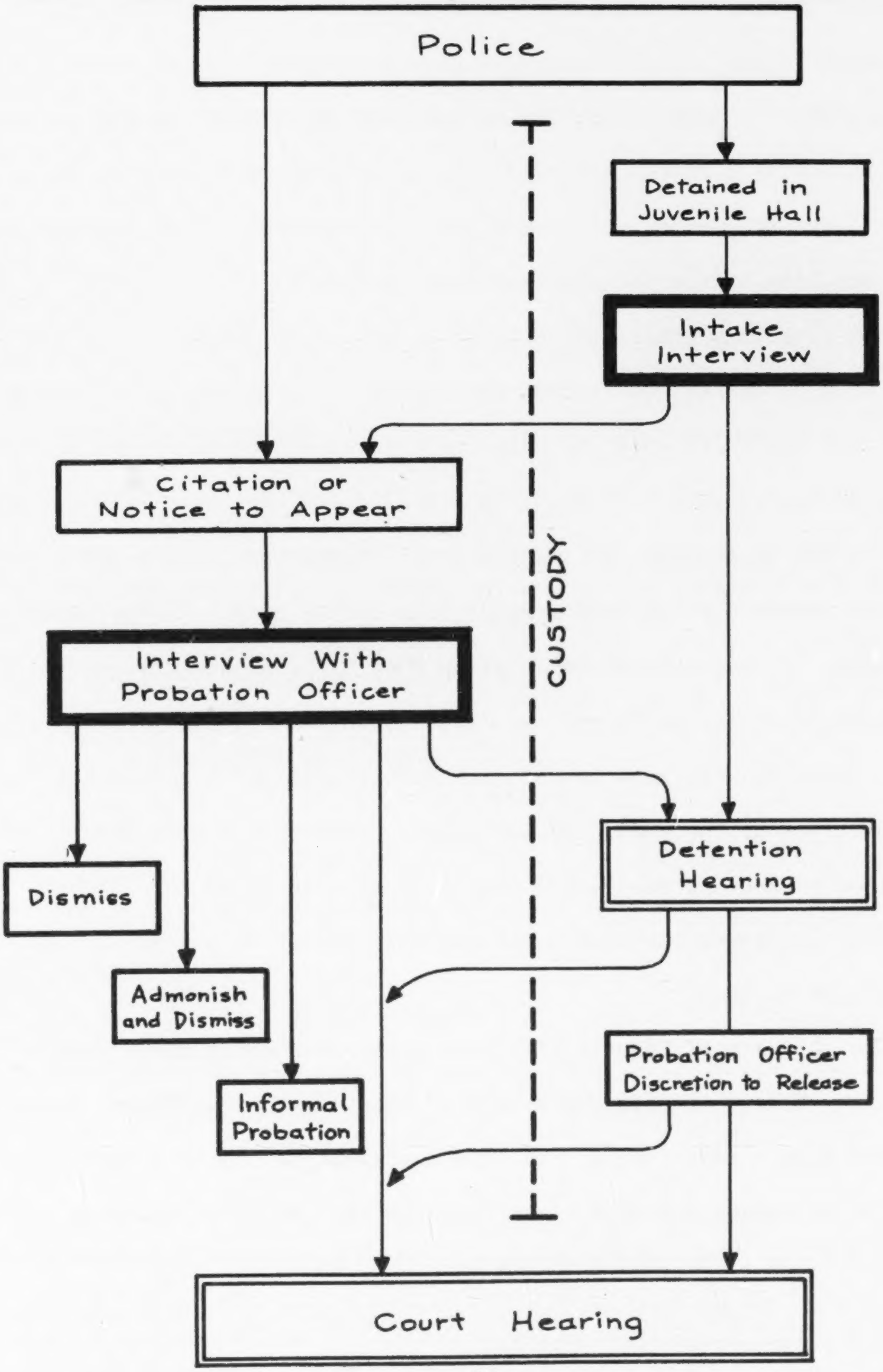
An example of an elementary form designed to increase the reader's understanding is the OFFENSE REPORT used here. We saw no reason to introduce a special OFFENSE REPORT for the Juvenile Bureau. Any detailed analysis of an offense report form belongs in another division of your training. We wanted an OFFENSE REPORT form that required no special knowledge of details or intricacies. This OFFENSE REPORT serves only to present an abstract of the situation prior to a more carefully worked out presentation of the case. The form we designed, therefore, is basically a set of statements in boxes.

We ask the reader to be patient in dealing with what is unfamiliar to him. Allow us these simplified reports as devices for presenting case material clearly, and understand the necessity of our neglecting the unique conditions of your work.

DECISION POINTS IN POLICE HANDLING OF JUVENILES


Event or Complaint
Questioning
Action in Field or in Juvenile Bureau
Interview Only
Informal Reprimand
Official Reprimand and Release
Police Supervision
Citation
Deliver to Juvenile Hall
Community
Probation Department

DECISION POINTS IN PROBATION HANDLING OF JUVENILES


Police
Detained in Juvenile Hall
Intake Interview
Citation or Notice to Appear
Interview With Probation Officer
CUSTODY
Detention Hearing
Dismiss
Admonish and Dismiss
Informal Probation
Probation Officer Discretion to Release
Court Hearing

OSBORNE CITY - HOWARD COUNTY

Osborne City has a population of 250,000 and is located at the edge of Howard County. The city fronts on a bay, which carries heavy shipping traffic. A deep water channel has been constructed beside the city.

Originally a simple shipping point, the city grew from the dock area east toward the hills, which were largely preempted by the wealthy for small estates long before the city had reached them.

The city is depressingly similar to its three companions on the bay. The main street is, of course, Washington Avenue. But we are concerned here only with the Third Ward which is bordered on the east by Washington Avenue and on the south by the bay. The canal forms the west boundary, and the hills to the north have limited the city's expansion in that direction.

The pattern of the ward mirrors that of the city. On the waterfront are the docks. As the visitor walks along Bret Harte Avenue just north of the Pacific Union Railroad tracks, he finds himself immediately in a small industrial district with low-cost housing to the west and a commercial and shopping district to the east. In two blocks he reaches Milton Square and thereafter as he goes northward the district consists almost exclusively of housing which increases in value until the upper limit is reached in the mansions on the hills.

The citizens of Osborne City have always had great civic pride. There are many modern schools for a city of only a quarter-million people. The fire and police departments have fine equipment and the standards for selection of personnel are high. Both departments have been designed to offer the citizens many services beyond simple protection from fire and crime.

The Osborne City Police Department, for instance, has come a long way from the store front office and one-horse operation of Sheriff Ralph Bennet.

Sheriff Bennet set up his simple department in 1883, two years after Osborne City became a town. Although he tried for years to get funds with which to hire help, he was the sole enforcer of law and order until his death in 1901. When a new sheriff was appointed, the city found the money with which to hire two deputies. The town was growing.

Today, the Osborne City Police Department employs 360 law enforcement officers, and 15 people to assist them in their task. The department owns a fleet of 20 cars (as compared to the one horse purchased for Sheriff Bennet), three riot wagons, and one minibus fitted out as a mobile crime laboratory.

The police scandals of the forties, when the city suffered real growing pains, were followed by the public's determination to have a police force of which it could be proud. The present force is the result of this determination. John Dickson, who became Chief in 1949, has shaped the police operation carefully, making use of the most advanced research in addition to his wide police experience.

An applicant for the Osborne City Police Department must be in good health and of good character, and must have had either two years of study at a university or three years of experience in police work or an allied field. When he is accepted as a probationary officer, the recruit will be given intensive training in everything from driving techniques and pistol handling to elementary psychology. When he finishes the very thorough general training, he will receive specialized training in the bureau to which he will be assigned -- juvenile, traffic, major investigation, or homicide.

* * * * *

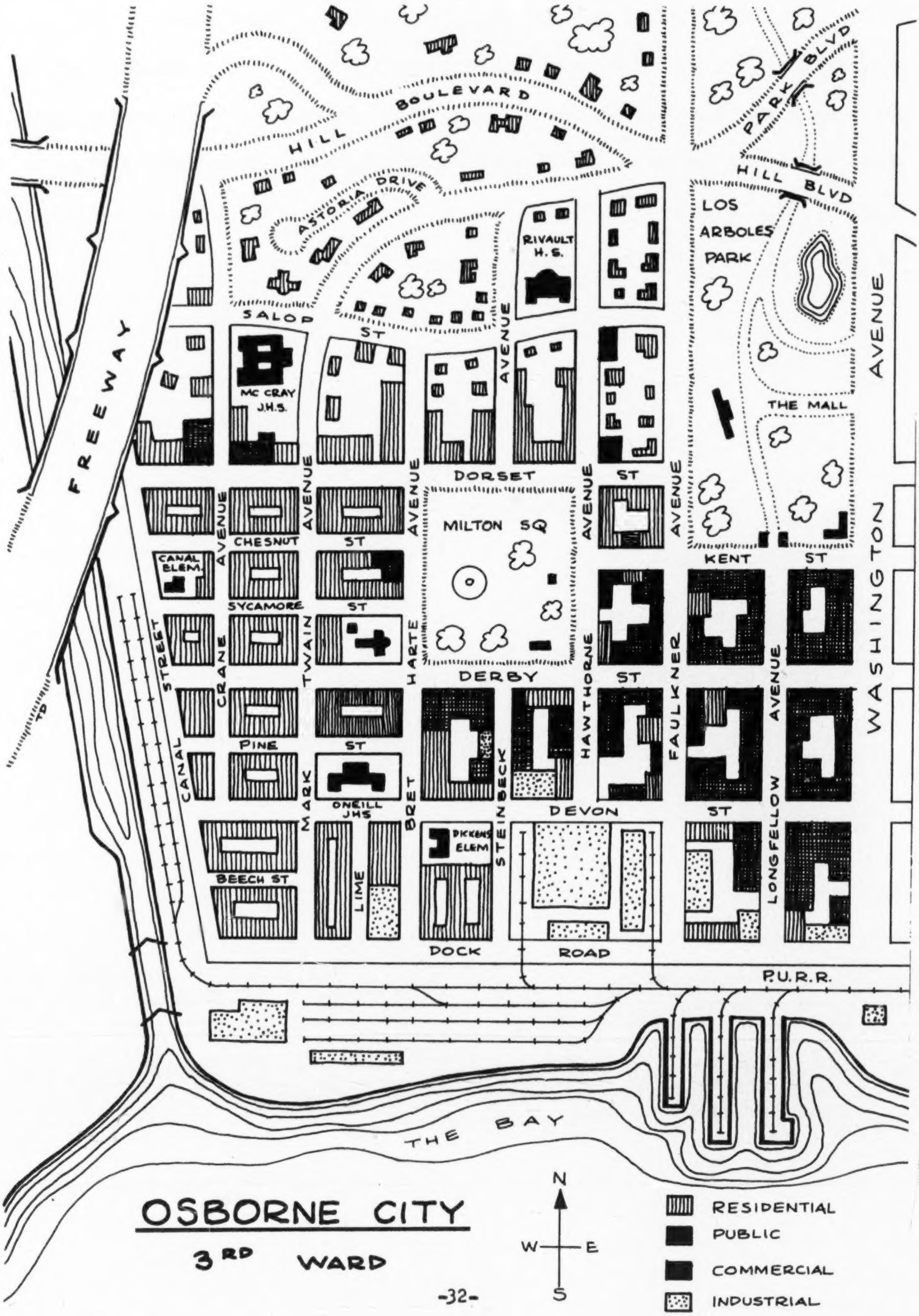
Howard County is home for 600,000 people. The county is primarily agricultural. Osborne City is the county seat, and city and county officials work well together in the interests of efficient administration. As a happy example, the Juvenile Division of the County Probation Office works in close harmony with the city police department and the juvenile court -- trying to maintain for the juvenile the impression that he is involved in a single, unified process which exists to help him.

We seldom find elsewhere the close cooperation between police, probation, and court operations that exists in Howard County.

This close cooperation is especially evident in the use of the interdepartmental forms which are used jointly by the three departments in much the same way that forms would be used within a single department. Liaison becomes almost automatic.

* * * * *

Probation departments are organized in different ways, but all follow the same basic procedure in reviewing cases for court. A large department may have an INTAKE section which screens cases and takes initial action, an INVESTIGATION section which prepares the court reports and recommendations for those cases which go on to court, and a HEARING section which presents the case in court. In a small department these duties may be performed by one man. The Howard County Probation Department has a combined INTAKE and INVESTIGATION Division, but for clarity we are presenting the cases as if they were handled by separate divisions.


HILL BOULEVARD
PARK BLVD
HILL BLVD
ASTORIA DRIVE
LOS ARBOLES PARK
RIVAULT H.S.
SALOP ST
AVENUE
MC CRAY J.H.S.
FREEWAY
THE MALL
WASHINGTON AVENUE
DORSET ST
MILTON SQ
CHESNUT ST
CANAL ELEM.
KENT ST
SYCAMORE ST
DERBY ST
CANAL STREET
CRANE AVENUE
TWAIN AVENUE
HARTE AVENUE
HAWTHORNE AVENUE
FAULKNER AVENUE
LONGFELLOW AVENUE
PINE ST
MARK
BRET
STEINBECK
ONEILL JHS
DEVON ST
DICKENS ELEM
BEECH ST
LIME
DOCK ROAD
P.U.R.R.
THE BAY
OSBORNE CITY
3RD WARD
N
W
E
S
RESIDENTIAL
PUBLIC
COMMERCIAL
INDUSTRIAL

CASE ONE

Malicious Mischief, Glue Sniffing

First Setting

A police station in Osborne City, at 8 o'clock on Friday evening, September 20, 1963. The desk sergeant on duty in the Juvenile Bureau is discussing the arrest of three boys with a new officer.

Characters

Sgt. Mike Keats	Juvenile Bureau
Brant Mottar	Arresting Officer
Jack Fowler	New Officer
Arthur Waters	Complainant
W. B. King	Complainant
Robert Teed	Juvenile Offender
Richard Waters	Juvenile Offender
Manuel Mariscal	Juvenile Offender

At 8:00 o'clock on Friday evening, work in the Juvenile Bureau of the Osborne City Police Department was just beginning to pick up for the night. Three-quarters of an hour earlier, Officer Brant Mottar had gone out in response to a complaint from a local drive-in restaurant that three kids were "locked in the men's rest room tearing it apart."

He returned with the three youngsters, and was then immediately called out on another case.

Mike Keats, the desk Sergeant on watch in the Bureau that evening, interviewed the boys and filled out Processing Reports on them. He had decided what to do with them, but before making the final disposition he called over Jack Fowler, a patrolman recently transferred to the Bureau from Patrol Division. Fowler has all the makings of a good juvenile officer, but he has much to learn because the handling of juveniles is so different from that of adults.

Sgt. Keats knew that he had a special obligation to the newest member of his staff and wanted to show him the ropes. "I want you to take a look at this case with me, Fowler. There are a couple of things you can learn from it.

"As a standard operating procedure, of course, the first thing we get in these cases is the Offense Report--in this incident there are two. A Mrs. Waters called in about 6:20, and later we received a complaint about the same boys. That was from a drive-in restaurant. Now, these two reports are related so they show each other's numbers on the right side in the 'Related Offense Reports' box. Mottar went out to pick up the kids because they were making a nuisance of themselves.

"Here's the first report. If it hadn't been connected with the second, we would wait until tomorrow morning to see Mr. or Mrs. Waters and make a full investigation. As it is, it ties in with the second report--here, report number 81241."

Notification of OFFENSE REPORT
Osborne City - Howard County
Copy to Division

ACTION

OFFENSE REPORT

OFFENSE NO. 081237	DATE REPORTED Sept. 20, 1963	TIME REPORTED 6:20 PM	TAKEN BY Smith
DIVISION NO.	DATE REFERRED Sept. 20, 1963	TIME REFERRED 6:20 PM	TAKEN BY Smith
ORIGIN OF REPORT call in from home	NAME Arthur Waters	ADDRESS 732 Sycamore	PHONE CL 4-2386

REPORT Waters says his wife went to neighbor's home to get son Richard for dinner. She had seen him go in house. Two boys Manuel Mariscal, 735 Sycamore and another (not known) there. Acting strange. Said Richard not there. She returned later with husband - boys gone. Waters fears boys may have hurt Richard or might be getting him into trouble.	RELATED OFFENSE REPORTS 081241

ACTION TAKEN

DIVISION	DATE 9/20/63	TIME 6:25 PM	TAKEN BY K.B.O'Rourke
SUSPECT	ADDRESS	PHONE	PROCESS REPORT NO.
WITNESS Arthur Waters	ADDRESS 732 Sycamore	PHONE CL 4-2386	OCCUPATION

REPORT 6:25 PM received offense report. Called at Mariscal home. No sign of habitation. Called on Waters, received description of Richard Waters and Manuel Mariscal and partial description of other boy. Put these on patrol call--checked in.

DISPOSITION	DATE	TIME	MADE BY

Notification of OFFENSE REPORT
Osborne City - Howard County
Copy to Division

ACTION

OFFENSE REPORT

OFFENSE NO. 081241	DATE REPORTED Sept. 20, 1963	TIME REPORTED 7:10 PM	TAKEN BY Smith
DIVISION NO.	DATE REFERRED Sept. 20, 1963	TIME REFERRED 7:15 PM	TAKEN BY Smith
ORIGIN OF REPORT call in/business	NAME W.B. King	ADDRESS Drive-Inn Restaurant	PHONE CL 3-2020

REPORT King phoned in that three or four boys are locked in men's restroom tearing it apart. They will not come out.	RELATED OFFENSE REPORTS 081237

ACTION TAKEN

DIVISION 10485-6-7	DATE Sept. 20, 1963	TIME 7:15 PM	TAKEN BY Mottar

SUSPECT	ADDRESS	PHONE	PROCESS REPORT NO.
Robert Teed	622 Chestnut	CL 4-1988	
Richard Waters	732 Sycamore	CL 4-2386	
Manuel Mariscal	735 Sycamore	CL 4-1692	

WITNESS	ADDRESS	PHONE	OCCUPATION
W. B. King	Drive-Inn Restaurant	CL 3-2020	Manager, Drive-Inn Restaurant

REPORT

Answered call at 7:20. Found three boys (above) locked in men's restroom. They came out at my request. Had marked walls with lead pencil, strewn paper about. High on glue (still on person). Made them partially clean up and brought them in. Check in.

DISPOSITION Closed	DATE Sept. 20, 1963	TIME 7:35	MADE BY Mottar

"Now obviously these kids were causing some trouble at the restaurant but probably not too much. If they lived around here, Mottar would probably have sent them home. But they live on the other side of town and he had to come back past the Department so he filled out Juvenile Contact Reports on all three of them and brought them in for interviews. It's just as well he did. One father won't have the boy back.

"All the boys are new to us--I've checked the records and I can't find their names. One of the first things we do is check for previous offenses. With juveniles, it's not only the offense that counts. The previous record also helps in deciding what to do.

"Well, here's this Teed kid. The Juvenile Contact Report is on the top. If we wanted to cite him we would have called the father in to sign the bottom. But he doesn't want him home, so we'll have to deliver him to Juvenile Hall.

"He says he stole the glue from the Acme Hobby Shop on Faulkner. We don't have a report on that so I'll have to get some action on it. I'll have someone sent out tomorrow morning. We'll report to probation if we get anything.

"Now, see this box on the top left-hand corner of this Contact Report. It says: CITATION, NOTICE TO APPEAR, and TRAFFIC CITATION in it. If you want to cite a youngster for a traffic violation, you cross out the other two. If you just stop the youngster and talk to him, you check the square marked 'field interrogation'. If the offense is more serious, we're supposed to bring the kid in. We don't want officers to cite directly to the Probation Department but sometimes they don't know what to do and call in to ask, and then we have them cite directly.

"But if an officer brings a kid in to us, he checks the box, as in this report on Teed. When we've decided what to do with the case, we cross out the irrelevant information. So here, everything but 'Deliver to Juvenile Hall' is crossed out. Do you get the idea?"

CITATION
NO~~TICE TO APPEAR~~
TRAFFIC ~~CITATION~~

☐ ~~Del.~~ to Juv. Div.
Juv. Hall/OR & R

☐ ~~Station~~
~~Interrogation~~
☐ ~~Field~~

JUVENILE CONTACT REPORT
Osborne City Police Department

ACTION

NAME Robert Teed

ADDRESS 622 Chestnut Street

PHONE CL-4-1988

DATE OF BIRTH	STATE	SEX	RACE	AGE	HEIGHT	WEIGHT	EYES HAIR COMPL
July 9, 1950	Fla	M	W	13	5'	98	Blk Blk Med

DRESS, SCARS, ETC. Burn scar / right wrist

SCHOOL	GRADE	DATE OF CONTACT	TIME	PLACE OF CONTACT	CODE SECTION
McCray JH	8	Sept 20, 1963	7 20P	Drive Inn	PC 594

REASON FOR CONTACT 3 boys locked in restroom. Susp mal mischief

DETAILS OF CONTACT answered call at 7 15. Boys locked in restroom. Talked them out. Minor damages had been sniffing glue.

REFERENCE NUMBERS (FILES) J-10485

NAME OF ARRESTING OFFICERS (OR CITIZENS) B Hottar

BADGE NUMBERS (OR ADDRESSES) 874

INSTRUCTIONS TO PARENTS OR GUARDIANS: You are hereby notified that the above named minor was involved in the stated offense and is released to you pursuant to Section 26 of the Welfare and Institutions Code upon your promise to bring said minor before the probation officer of Howard County at the County Probation Offices, 1790 Jefferson Street, Osborne City at ____________ pm/am on ________________.

I promise to appear and to bring the above named minor as directed. I understand that any wilful failure to perform as promised constitutes a misdemeanor and is punishable under the provisions of Section 513 of the Welfare and Institutions Code.

BRING THIS FORM
TO THE HEARING

Signed ________________ Parent

Signed ________________ Minor

"So the first thing we get on the kid is the Contact Report. Then we search the records to see if we have anything else on him. You should check the name and the birthdate carefully. Sometimes young kids don't remember very well.

"Once you have this information you fill out the Juvenile Processing Report. Talk to the boy and get a brief statement of the facts. Then you talk to the parents. If you're going to release the boy, you ask them to come in and collect him. If he's going to Juvenile Hall, you tell them where he's going. Make a note of the date and time of these actions in the box on the right side of the form. It's very important for the court to know these times, and it keeps people off your back. They complain sometimes that we hold the kids too long without any reason. But usually there's too much to do, so we can't release them any sooner."

Offense No. 081241
Juv. Bur. No. 10485
Juv. Hall No. ______
Prob. Off. No. ______

JUVENILE PROCESSING REPORT
Osborne City - Howard County

ACTION

FIELD SECTION

NAME (Last) (First) (Middle) Teed Robert Edward	Sex M	Age 13	Race W	Offense PC594		
NO. PICKUP 3	LOC. OFFENSE Drive-Inn	LOC. PICKUP Drive-Inn	RESIST no	WPN no	HBD	
COMPLAINANT W. B. King	ADDRESS Drive-Inn	PHONE CL3-2020				
WITNESSES ---------	ADDRESSES -----------	PHONES ------				

DETAILS OF PICKUP Answered call at 7:20. Three boys locked in men's washroom at the Drive-In Restaurant. Identified myself and boys came out. Walls marked with pencil and paper strewn about. Boys high on glue. (On person of one of them.) Made them clean up. Difficult because of their condition; getting sick. Removed to Juvenile Bureau. R. Teed had apparently stolen glue from Acme Hobby Shop on Faulkner. Investigation pending.

	Date	Time
Pickup	9/20	7:20
Juv. Bur.	9/20	7:35
Parents Not.	9/20	7:50
Release		
Juv. Hall		
Parents Not.		
Petition		
Det. Hearing		
Release		
Hearing		

PICKUP OFFICERS
Brant Mottar

TRANSPORTING OFFICERS
Brant Mottar

JUVENILE BUREAU SECTION

NICKNAMES Bob	DATE OF BIRTH July 9, 1950	STATE Florida	HT. 5'	WT. 98	EYES Blue	HAIR Black	COMPL Med.	MARKS, SCARS, TATTOOS burn scar/right wrist
SCHOOL McCray Hi	GRADE 8	REPORT D-ave.	WELFARE No	LIVING WITH(ADULT) Roger Teed	ADDRESS 622 Chestnut	PHONE CL4-1988	RELATION father	

ASSOCIATE	RACE	AGE	SEX	ADDRESS	PHONE
Richard Waters	W	12	M	732 Sycamore	CL 4-2386
Manuel Mariscal	Mex.	12	M	735 Sycamore	CL 4-1692

NAT. FATHER Roger Teed	ADDRESS above
NAT. MOTHER Georgina Teed	ADDRESS Cavort Hotel, Florida

PRINTED	PHOTO	INVEST. OFF.
---	-----	M. J. Keats

REMARKS Wanted to cite but father wouldn't take boy. Said "Lock him up!" Boy recently from Florida. Parental custody change. May have been in trouble there. Investigation pending.

RELATED FILE NUMBERS
10486 10487

PROBATION OFFICE/JUV. HALL -- INTAKE SECTION

REASON ADMITTED	BROUGHT IN BY	NO. TIMES PREV. DETAINED
RELIGION	MED/DENTAL PROBLEMS (EXPLAIN)	

FATHER FIGURE	ADDRESS	PHONE	REMARKS
MOTHER FIGURE	ADDRESS	PHONE	
CUSTODIAN (IF OTHER)	ADDRESS	PHONE	
STEPFATHER	STEPMOTHER		
NO. OF SIBLINGS M ( ) F ( )			

"Now this Juvenile Processing Report is very important. There are three carbons. The top copy goes to probation for a face sheet. We keep the last carbon as a temporary record and the second carbon is the intake form at Juvenile Hall. The third carbon comes back here when the bottom section has been filled out. Then we put it in the juvenile record file replacing the temporary copy. This one form does four things. It's a face sheet for probation, it's our record, and it serves as Juvenile Hall intake report. And it's supposed to tell everybody what everybody else is doing to the kid.

* * * * *

"We wanted to cite this Teed boy so I asked his father to come in and get him. See, here, whichever parent picks him up has to sign the bottom of the Contact Report. But the old man told us to lock the kid up. We'll send him over to Juvenile Hall. It's Probation's problem now. Usually we can get the parents to come down, they're just mad at the kid. When we can't, Probation can, most of the time, but imagine what it does to the kid.

"The next youngster is Manuel Mariscal. Here's the report. It's not a serious offense and he's no danger, so we'll send him home with a reprimand. The parents are coming in. I'll have them sign the bottom of the Contact Report, and then we'll have some evidence that they know all about it. All we have to do here is cross everything out except 'Delivered to Juvenile Division, Official Reprimand and Release.'"

C~~IT~~ATION
NO~~TICE T~~O APPEAR
~~TRAFFIC C~~ITATION

☑ Del. to Juv. Div.
~~Juv. Hall/OR~~ & R

☐ ~~Station~~
~~Interrogation~~

☐ ~~Field~~

JUVENILE CONTACT REPORT
Osborne City Police Department

ACTION

NAME Manuel Mariscal

ADDRESS 735 Sycamore

PHONE CL 4-1692

DATE OF BIRTH	STATE	SEX	RACE	AGE	HEIGHT	WEIGHT	EYES	HAIR	COMPL
Feb 2 1951	Calif	M	Mex	12	5'2"	120	Br	Bk	dark

DRESS, SCARS, ETC. Mexican wears Colaful vest-jacket

SCHOOL	GRADE	DATE OF CONTACT	TIME	PLACE OF CONTACT	CODE SECTION
McCray JH	7	Sept. 20, 1963	7 20 P	Drive-Inn	PC 594

REASON FOR CONTACT 3 boys locked in restroom
Poss mal mischief

DETAILS OF CONTACT Officer called to Drive-Inn at 7 15 3 boys in men's restroom Talked them out. Minor damage - had been on glue

REFERENCE NUMBERS (FILES) J-10487

NAME OF ARRESTING OFFICERS (OR CITIZENS) Brant Mattar

BADGE NUMBERS (OR ADDRESSES) 074

INSTRUCTIONS TO PARENTS OR GUARDIANS: You are hereby notified that the above named minor was involved in the stated offense and is released to you pursuant to Section 26 of the Welfare and Institutions Code upon your promise to bring said minor before the probation officer of Howard County at the County Probation Offices, 1790 Jefferson Street, Osborne City at ______________pm/am on ____________________.

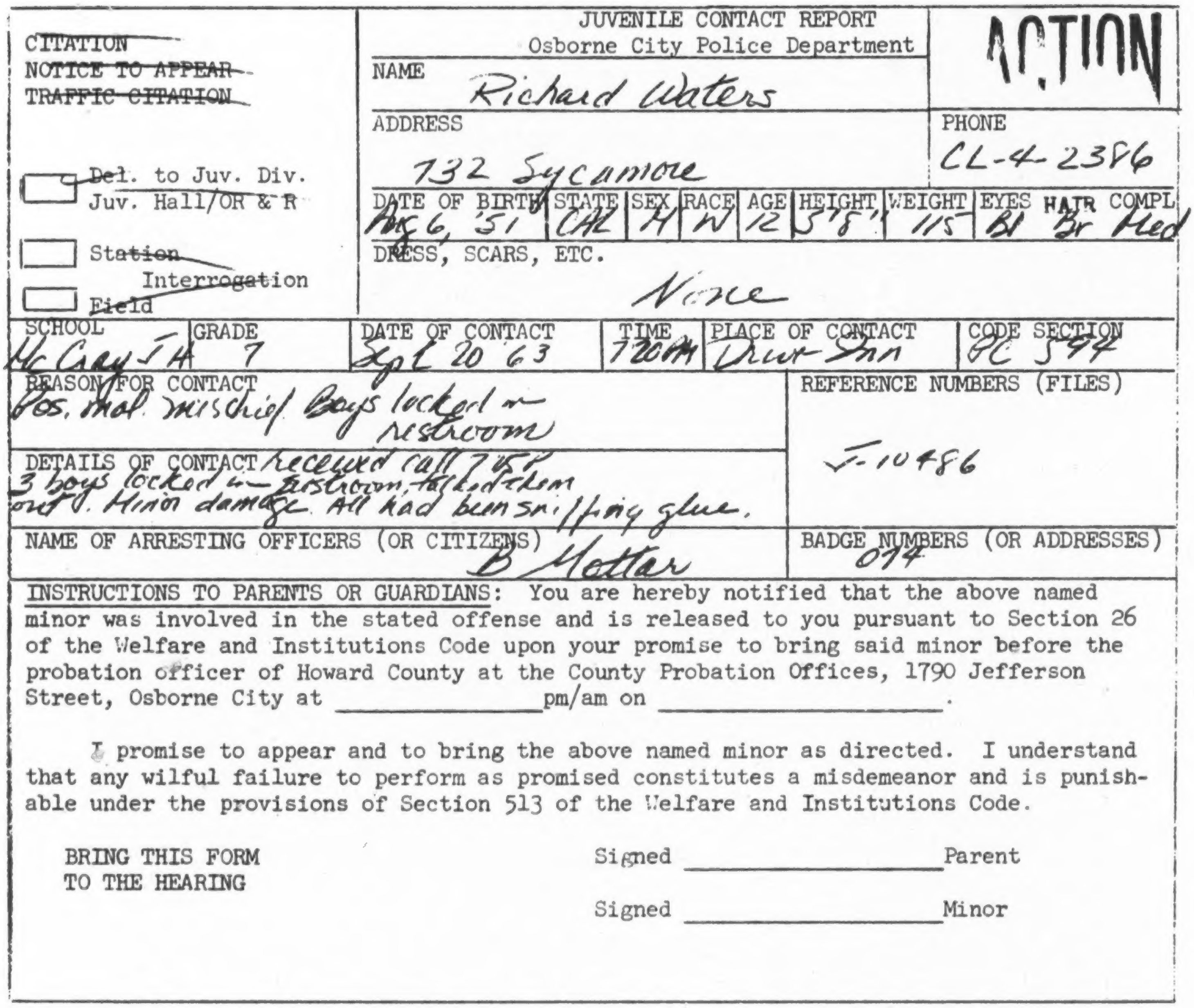
I promise to appear and to bring the above named minor as directed. I understand that any wilful failure to perform as promised constitutes a misdemeanor and is punishable under the provisions of Section 513 of the Welfare and Institutions Code.

BRING THIS FORM
TO THE HEARING

Signed ____________________ Parent

Signed ____________________ Minor

"The third youngster is Waters, Richard Waters. He's a smart little snot. Been bawling every time anyone looks at him. Momma flew in about two minutes after he did. 'Where's my baby?' We'll just reprimand him and kick him out. When Probation gets their copy of the Processing Report, they might want to take some further action."



~~CITATION~~
~~NOTICE TO APPEAR~~
~~TRAFFIC CITATION~~

☐ ~~Del~~. to Juv. Div.
Juv. Hall/OR & R

☐ Sta~~tion~~
Inter~~roga~~tion

☐ ~~Field~~

JUVENILE CONTACT REPORT
Osborne City Police Department

ACTION

NAME Richard Waters

ADDRESS 732 Sycamore

PHONE CL-4-2386

DATE OF BIRTH	STATE	SEX	RACE	AGE	HEIGHT	WEIGHT	EYES	HAIR	COMPL
Aug 6, '51	CAL	M	W	12	5'8"	115	Bl	Br	Med

DRESS, SCARS, ETC. None

SCHOOL	GRADE	DATE OF CONTACT	TIME	PLACE OF CONTACT	CODE SECTION
McCray JH	7	Sept 20 63	720PM	Drive Inn	PC 594

REASON FOR CONTACT Pos. mal. mischief Boys locked in restroom

DETAILS OF CONTACT received call 7:15 P 3 boys locked in restroom, talked them out. Minor damage. All had been sniffing glue.

REFERENCE NUMBERS (FILES) J-10486

NAME OF ARRESTING OFFICERS (OR CITIZENS) B Mottar

BADGE NUMBERS (OR ADDRESSES) 014

INSTRUCTIONS TO PARENTS OR GUARDIANS: You are hereby notified that the above named minor was involved in the stated offense and is released to you pursuant to Section 26 of the Welfare and Institutions Code upon your promise to bring said minor before the probation officer of Howard County at the County Probation Offices, 1790 Jefferson Street, Osborne City at ______________pm/am on ____________________.

I promise to appear and to bring the above named minor as directed. I understand that any wilful failure to perform as promised constitutes a misdemeanor and is punishable under the provisions of Section 513 of the Welfare and Institutions Code.

BRING THIS FORM
TO THE HEARING

Signed ____________________Parent

Signed ____________________Minor

"That's all I guess. We'll send Teed to Juvenile Hall because his father won't come in. He must be something. Mariscal and Waters get reprimanded and released. All these boys were sniffing glue. They're sick as dogs now, but they'll probably try it again after they can keep dinner down. The Probation Department will be interested in Teed, especially because things don't look right at home."

DISCUSSION

This case deals with three boys about 12 years old who had apparently been sniffing glue and had gotten into mischief. Glue-sniffing is a practice which has been increasing recently, but society should perhaps not make too much fuss about it lest it come to occupy the place narcotics have in the juvenile world--a thing to be sought because it is forbidden. No one has yet discovered that sniffing glue has serious physical effects on healthy children, although those with respiratory troubles and complaints such as allergies may suffer from it. It is not known whether it can cause damage to the brain.

Outwardly, the effects are marked by all the symptoms of drunkenness except the hangover. Children under the influence are likely to exhibit bizarre behavior, for example, urinating in public. We know of one case in which some boys who had been sniffing actually managed to steal a new Thunderbird from the showrooms of a large downtown car dealer.

In the case we are now considering, Waters' parents noticed that the three boys were "acting strange", and the cause of their behavior was later confirmed by the mess made in the men's toilet. If you observe that youths are behaving oddly, look for evidence--glue tubes, toilet paper soaked in glue, plastic bags for use as masks. In one case, an old sock was used. It is not certain whether the toxic effect was entirely due to the glue.

In this case, the chief emphasis is on the importance of accurate records.

For a study concerning the necessity of bureaucratic organization, see pages 57-59.

Many people regard red tape and paper work as irksome requirements and apparently believe that forms exist solely to satisfy the unreasonable craving of petty-minded bureaucrats for useless statistics.

This view of administrative paper work can ruin an otherwise good job. Forms, arrest reports, face sheets, record sheets, citations, and holding tags are the communication channels through which essential information is passed, and records are the reservoirs in which the information is stored for future use. Filling out a record accurately puts good and useful information into circulation. Sloppiness in reporting and omission of details will foul up the system, interrupt the flow, and cause needless work for others who must try to get things running smoothly again. A minute gained at one level by omitting to write down information may mean an hour lost at the next. In any continuous administrative process--and the handling of juveniles should be continuous--a time loss of this nature damages the process inexcusably.

Great care, then, should be exercised in filling out forms, and we have tried throughout the manual to stress the importance of this. One of the faults we have noticed is the unnecessary duplication of information.

For example, in one case a boy was asked no less than 15 times, at different stages, what offense he had committed. In some cases this procedure may be justified as an investigative technique, but it should not be overdone.

It also often happens that information which could be gathered with ease at an early stage is sought only at a later point, and then with some difficulty.

Much of the aversion to filling out forms seems to stem from compartmental thinking. The members of one agency think only in terms of their own time saved, forgetting that the juvenile is the continuous thread in the process, and that the law implies that everything should be done in his interest. Once the process is seen as a whole, the importance of having paper work done accurately and on time is obvious. One of the primary purposes of this manual is to advocate and guide the continuity of the process.

But the information when recorded is of no use unless it is accurate, and it is advisable to check it as soon as possible. Youngsters frequently attempt to give false names and addresses, claiming that they have no driver's license or other identifying documents, but most of them carry some sort of identification, if only a student body card or school bus pass. If they have been in trouble before, they often carry newspaper clippings about their escapades. If an address is suspect or a phone number thought to be false, make a telephone call to verify the information if there is time. However, the officer must weigh the value of his time against the value of the gain in information, and he must see the gain as it benefits the whole administrative process of which he is part.

Lastly, one elementary point, which can never be overstressed--write clearly! A second or two spent on this will save others minutes in deciphering.

In the detection of adult crimes, the Modus Operandi files are probably the most important. In juvenile crimes, the child's record has the greatest influence on making a disposition. The law is written in the child's interest, and the court should certainly base its disposition on the child's entire history rather than on the basis of a single offense. There are, of course, some offenses which are so serious for society that they may influence the court's thinking and have a major effect on the police disposition. The crimes of robbery and vicious assault are good examples of these.

In most instances, the commission of an offense provides an opportunity to examine the child's record and to see whether he needs help and guidance. This is the view which the court will take and you, as a police officer, must bear it in mind.

Perhaps it is timely to examine the whole problem of the extent and status of juvenile records.

How should records on juveniles be kept? Where should they be kept? What should be recorded and what should not? Much of this is a matter of policy and can have little place in a training manual.

It suffices here to make one point and to make it clearly. No harm can come of keeping records, provided they are private and complete. Privacy is an obvious necessity, for unless it is automatically assured, no one will be willing to disclose meaningful information. Little useful work can be done with a juvenile unless he trusts you, and one of the foundations of trust is his knowledge that his confidences will not be bandied about.

Completeness of records is more difficult to obtain, since it involves going back over old events and bringing them up to date. Nevertheless, it is vitally important, and the time spent on it will be well spent, even if the result is that only one youth gets a job which helps him to become a good citizen, or that only one outstanding offense is cleared up.

Most records report too little. They show the initial action taken but not the reason for it. If they show the disposition which was made, they seldom show what led to it. When making an entry in a record, ask yourself what use it will be to another and how it will affect the future of the youngster in question. When a juvenile has been arrested, state why, and later make a note of the disposition and the reason.

Although these details are largely administrative, they can have far-reaching effects. In the set of forms which we have used in the cases, we have incorporated an administrative mechanism whereby the final court disposition is made available to the police in a simple form. One cannot overestimate the power of good records as a weapon in the police and probation armory against delinquency, and one should not underestimate the effect which badly kept records can have upon the future of many delinquents.

In this case, the police sergeant had to decide what to do with the three boys. None of them had a record and the offense was not a serious one. There was no need to deliver them to Juvenile Hall because there was no reason to believe that they were within the provisions of the law for detention.

You will occasionally hear a man in your department say: "Those probation people! We take the kid to Juvenile Hall and before we're back at the station he's on the streets again." Such remarks express the general police dissatisfaction with probation detention practices. On the other hand, probation officers complain that the police bring in many cases which could be cited.

These criticisms stem largely from each side's failure to understand the other side's action and the laws and public pressures which affect it. The police are obligated to keep the peace, to see that the laws are enforced, and to make the city safe for people to live in. To do this they must prevent and detect crime. Detection means finding the alleged culprit and handing him over to the machinery of justice. Where juveniles are concerned, this process should sometimes be tempered a little by adhering to the philosophy of juvenile court law which emphasizes the best interests of the child.

The Probation Department, however, is almost completely bound by the law which is specific on the subject of detention while awaiting trial. A juvenile may be detained to await court hearing only if he is already a ward of the court, if he is likely to flee the jurisdiction, or if he is likely to be a danger to himself or to the life and property of others. That one of these is the case must be demonstrated to the judge before the child can be detained and this must be done within 48 hours after arrest. The intent of the law is, of course, that a child should not be held at all unless one of these possibilities clearly exists. Consequently, a police officer should not ask probation to hold a juvenile for 48 hours while he carries out further investigations, nor should he expect probation to keep a juvenile off the street simply because he is a nuisance. To ask or expect this sort of cooperation is to ask the probation officer to break the law. Misunderstanding will disappear only when everyone learns more about the roles which the different agencies play in the administration of the laws relating to juveniles.

When a child is not detained, and especially when he is young, the police should release him to his parents. It is not good policy to turn a youngster out on the street after you have finished with him. On the other hand, transportation is seldom available for delivering a child to his home, and it is doubtful whether this should ever be a police function.

In the case we have been examining, Mariscal and Waters were reprimanded and released to their parents. The signatures of the parents and the minors were obtained on the citations. It is important for legal reasons to see that this is done whenever possible.

As for Teed, his father refused to come to the police station, saying that he wanted the boy to be taught a lesson. You will sometimes meet this attitude, but try to avoid being put in the position of "bogey man." Many parents are all too willing to attempt to shift their responsibility to the police, but it is bad police work to consent to this. You are not there to frighten children into behaving. In this situation, the best thing to do is to try to point out to the parent his responsibilities; if this fails, make it clear what you intend to do.

If you do not have the facilities to "lock him up" if detention is required, the child must go to Juvenile Hall where the probation department is equipped to take care of him. Be sure, however, to make it clear to the probation officer why the child is being delivered to Juvenile Hall.

* * * * *

There are many small points in this first case to which we want to draw your attention.

You will have noticed that there is a discrepancy in the spelling of Mariscal's name. This often happens. Be sure to check such details wherever possible. Much depends on the written record and mistakes like this can be important. We know of one boy who was nearly sent to the Youth Authority because of such an error. He was not particularly intelligent, and when the record, a long one, was read at the hearing, he did not say a word. In actual fact, he had never been in trouble before. Luckily, the probation officer became suspicious after talking to the boy's mother, and he was able to correct the clerical error.

The second offense report in the case states that the walls of the lavatory were "marked with lead pencil", but it was never established that the boys were responsible for this. As you know, lavatory walls are favorite places for budding artists. Evidence in juvenile cases is as important as evidence in adult cases.

This is not a trivial point. Some people seem to think that strict adherence to the rules of evidence and careful listing of all details of a case are not necessary in juvenile court since adversary trials are not conducted as in the adult court. This is a dangerous mistake, and its perpetuation could destroy much that is good in present juvenile procedures.

On the practical level, sloppy handling of juvenile court cases will certainly lead to a rewriting and tightening of the law. This is all the more likely to happen as the number of attorneys taking part in juvenile court proceedings increases. If small points are ignored because officers misconstrue the court's concern for the juvenile's interest, a rapidly increasing number of cases will go to appeal or will be thrown out at trial, thus exasperating the police and all others concerned.

From a philosophical point of view, the juvenile court may perform a more important role in society than the adult court. Today's delinquents can become tomorrow's criminals. Or its leading citizens. (Or both.) A child's future and, to an incalculable extent, society's future depend largely on the decision of the court and the course it follows. It is only right, therefore, that the court or whoever makes the decision should be given as much accurate information as possible.

If a youth is over 16 and the offense is serious, there is always the possibility that he will be certified for trial to the criminal courts. In this case an adversary trial will almost certainly take place and the need for accurate evidence may be even greater than in the juvenile court.

When Sgt. Keats explained the Processing Report to Officer Fowler, he pointed out the importance of noting the exact time when the youngsters were apprehended. This is for the use of the court. A juvenile may be detained for only two judicial days without a detention hearing. The time-keeping is strict. Detention begins at the moment of apprehension.

The Contact Report for Mariscal described him as wearing a "colorful vest-jacket." Is this a useful description?

If there is only one black horse in a herd of white horses, the words "a black horse" will identify it. Identification of a white horse in the same herd requires more detail. The same is true of humans. A description of a man is useful only if it distinguishes him from others.

Elementary though it may seem, this point can easily be overlooked when describing juveniles. Adult fashions change slowly, but teenagers' fashions change rapidly. Tight white trousers are in one week and blue jeans the next; leather jackets replace sweaters and give way to black raincoats in a month. Among the surf gangs of Southern California it frequently is, or was, the custom to bleach the hair. In this case, "white hair" would describe too many surfers. Consequently, a useful description of a juvenile must take into account the latest fashions in clothes, hairstyles, gait, or mannerisms. The peer group exerts tremendous and subtle pressure upon a youngster to make him conform to current fashions. The perceptive juvenile officer must keep up with the times if he is to be effective in his job.

To conclude the discussion of the case, let it be noted that this was a fairly minor offense. Since the boys did not have records, the best disposition was probably the one given--official reprimand of two boys and release to their parents. Only Teed went to Juvenile Hall and that was due to his father's refusal to take him home.

From H. H. Gerth and C. Wright Mills, From Max Weber: Essays in Sociology.
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INTRODUCTION

In the following selection, Max Weber reminds us of the efficiency of bureaucracy over other types of organization. However, when large numbers of people have to make common use of facilities and institutions, the service provided by bureaucracy is geared to the needs of the average person, rather than to the needs of particular individuals. It is difficult to have a one-to-one relationship with clients in a bureaucracy. The structure acts as a levelling influence.

"TECHNICAL ADVANTAGE OF BUREAUCRATIC ORGANIZATION"

"The decisive reason for the advance of bureaucratic organization has always been its purely technical superiority over any other form of organization. The fully developed bureaucratic mechanism compares with other organizations exactly as does the machine with the nonmechanical modes of production....

"Bureaucratization offers above all the optimum possibility for carrying through the principle of specializing administrative functions according to purely objective considerations. Individual performances are allocated to functionaries who have specialized training and who by constant practice learn more and more. The 'objective' discharge of business primarily means a discharge of business according to calculable rules and 'without regard for persons.. .

"Its specific nature...develops the more perfectly the more the bureaucracy is 'dehumanized', the more completely it succeeds in eliminating from official business love, hatred, and all purely personal, irrational, and emotional elements which escape calculation. This is the specific nature of bureaucracy and it is appraised as its special virtue.

"The more complicated and specialized modern culture becomes, the more its external supporting apparatus demands the personally detached and strictly 'objective' expert....Bureaucracy offers the attitudes demanded by the external apparatus of modern culture in the most favorable combination."

SUMMARY

Max Weber's overall point is that bureaucracies are an essential feature of modern society--they are here to stay. All of us must function within bureaucratic structures. These collectivities set limits on what we can do, but at the same time provide us with resources for handling the problems of delinquent youth which are not available if we operate alone in a one-to-one relationship. One solution to the problem of a large caseload is to formalize, standardize, and professionalize the display of warmth, sympathy, and understanding. Little attempt has been made to document the reactions of delinquent youth to this approach. The volume of traffic in a bureaucracy puts pressure on us, but it should be possible to relate to clients in a constructive and humane way. So far attempts to find the right approach have not been very successful.

Second Setting

The Investigation Division of the Howard County Probation Department; the following Monday.

Characters

Herb Brownlow	Supervising Probation Officer
Tom Bressler	Probation Officer
Robert Teed	Juvenile Offender
Richard Waters	Juvenile Offender
Manuel Mariscal	Juvenile Offender

"Where are you off to so early in the morning, Herb?"

"Morning, Tom. Oh it's this Mayor's committee on juvenile delinquency. It's 'get-tough-with-the-milksops-who-let-these-animals-roam-our-streets' time again. They're having a bunch of us over there. Mass sacrifice, I suppose."

"Well, fight the good fight. Before you go, let me get you to sign this Court Report. It's due this afternoon for tomorrow's session."

"Sure."

"What's the committee eliminating today?"

"What? Oh, they're excited over these newspaper stories about an increase in glue-sniffing and purse snatching. Yes, I suppose this case will come up. Fill me in on it."

"Well, this boy Teed was caught with two others sniffing glue and tearing down the walls in a restroom at the Drive-Inn. He had stolen the glue. I think we should have gotten one of the other two along with Teed, but they let them both go. They kept Teed only because his dad wouldn't have him home. You can understand it in a way, but the guy seems to have plenty of money. He's a disc jockey here in town. It's hard to make any kind of decision. There's a possibility the father might try to help the kid if it's just his pride that's hurting."

"What do you have him on?"

"A 602."

"Doesn't he look like a potential delinquent under 601?"

"Yes, he does, and I thought about that for a long time. But the glue Teed stole led to the sniffing and malicious mischief, so 602 seemed more accurate."

"But didn't the kids he was sniffing with get released without a citation?"

"Yes, but I think that was only because the boys cleaned up the mess they made at the Drive-Inn. The police like that and wanted to let them all go."

CONCERNING: ROBERT EDWARD TEED, born July 9, 1950, in Tampa Florida, (age 13 years, 2 months)

Father: Roger Teed, 622 Chestnut Street, Osborne City, California

Mother: Georgina Teed, Cavort Hotel, Miami, Florida

Robert comes to Court from Juvenile Hall where he has been detained since Friday evening, September 20, 1963. (Detention Hearing held Tuesday, September 24, 1963).

REASON FOR HEARING:

Petition alleges petty theft (602 W&I) of a tube of hobby-craft glue from the Acme Hobby Shop at 224 Faulkner Ave., Osborne City.

FACTS CONCERNING ALLEGATION:

On Monday night, September 20, 1963, at 6:20 p.m., Mr. W.B. King, manager of the Drive-Inn Restaurant reported to the Osborne City Police Department that three or four boys had locked themselves in the men's room of his establishment and refused to come out.

Officer Mottar responded to the call and asked the boys to come out of the restroom, which they did. Officer Mottar found that the boys were "high" from sniffing glue. He had them clean up part of the mess they had made and then took them to headquarters. Two of the boys were released but Robert Teed was detained at Juvenile Hall after his father told juvenile officers that he didn't want anything to do with the boy. "Lock him up," were the father's words.

At this interview at the Juvenile Bureau and at the Probation Intake interview, Robert Teed stated that the glue on which the boys got "high" was stolen from the Acme Hobby Shop on Faulkner Ave. Further investigation by the Juvenile Bureau revealed that the glue was in fact stolen by Teed. The pending investigation of the theft was noted on the forwarded Contact Report and Processing Report on Teed. The Probation Department was notified on Monday, September 23, 1963, of the complaint of Mr. Wung Fo, owner of the Acme Hobby Shop. A copy of the police Crime Report is attached.

STATEMENT OF WITNESSES:

Mr. W. B. King will testify that on the night of September 20, 1963, it was reported to him that three or four boys had locked themselves in the men's room of the Drive-Inn Restaurant in Osborne City and that upon investigating the situation he heard the boys laughing and throwing things. He asked the boys to open the door and when they refused he called the Osborne City Police Department and reported the incident. Mr. King will testify that when the boys did open the door, at the request of a police officer, he saw the damage they had done and he will identify Robert Teed as being "high" on glue and possessing a tube of glue.

Officer Brant Mottar states that at approximately 7:15 p.m. on the night of September 20, 1963, he responded to a call to headquarters about a group of boys who had locked themselves in the men's room of the Drive-Inn Restaurant. He met the manager, Mr. King, went to the men's room, identified himself, and asked the occupants to open the door. The occupants, according to Officer Mottar, were three boys, one of whom was Robert Teed. All of the boys were "high" on glue and feeling somewhat sick as a result. Officer Mottar will testify that he asked the boys to clean up the mess they made on the premises and that he then took them to the Juvenile Bureau. Teed told him that he had earlier that day stolen the tube of glue used by the boys.

At the interview in Juvenile Bureau, Teed stated that he had stolen the tube of glue from the Acme Hobby Shop, 224 Faulkner Ave., Osborne City. Mr. Wung Fo, owner of the hobby shop will testify that during the noon hour on Friday, September 20, 1963, Robert Teed, known to Mr. Fo for previously attempting to steal merchandise, was in his store but did not purchase anything. The type of glue in question is available in Osborne City only at his store, Mr. Fo will state.

MINOR'S STATEMENT:

Robert told juvenile officers and the intake officer that he and Richard Waters decided to cut school on the afternoon of September 20, 1963, and they went down to the canal to find something to do. On the way they met the third boy, Manuel Mariscal, who invited them to his house. No one was home when they arrived, so Robert showed the other two boys the tube of glue he had stolen earlier that day from the Acme Hobby Shop. After they got "high" on the glue, they wrestled around the house. Waters noticed his mother coming across the street and hid in a back closet, telling the other two boys to say he was not there. After the mother had gone, the three ran out the back door and walked to the Drive-Inn Restaurant, a few blocks away. There, still under the influence of glue, they locked themselves in the men's room, threw towels and toilet paper around, wrote on the walls, etc. The manager told them to get out and they refused as they were scared. A short while later a policeman forced them to open the door and made them clean up part of the mess. Manuel got sick. The officer took them all to the police station.

RECOMMENDATION REGARDING FINDING OF FACT:

It is respectfully recommended that the Court find the allegations of the petition to be true as alleged.

PREVIOUS HISTORY:

There is no record in this jurisdiction. However, Robert, who had only recently moved to Osborne City, said he had been in some trouble in Florida. The Probation Department is awaiting verification from Florida authorities regarding his record.

THE FAMILY:

Robert is presently living with his natural father, Roger Teed, age 34, at 622 Chestnut Ave., Osborne City. Mr. Teed is a disc jockey for radio station KARE and has his own nightly show on that station from midnight until eight in the morning. His salary is approximately $900.00 per month, gross.

Mr. Teed gained custody of Robert three months ago from the boy's natural mother, Georgina Teed (age 32) who lives at the Cavort Hotel, Miami, Florida. Mr. and Mrs. Teed were divorced in Florida four years ago, in 1959. They have no other children.

After the divorce, according to Robert and his father, Mrs. Teed spent most of her time in bars and nightspots, entertaining men who give her gifts for her attentions. Technically, she is an unemployed waitress. It was her drinking that broke up the Teed marriage. Robert states that she never paid any attention to him nor did she use much of her alimony for taking care of him. Both Mr. Teed and Robert intensely dislike the boy's mother.

Roger Teed has very high expectations for his son, Robert. However, the boy is not able to meet these expectations, especially after the last three years with his mother, which he bitterly resents. Because of his working schedule, Mr. Teed finds little time to be with his son. The father says that Robert's present offense and the trouble he was involved in in Florida, have led him to believe that Robert will never be anything but a hoodlum. The father states that he has tried in every way to make the boy realize the difference between right and wrong, but Robert won't listen to him. Robert states, emphatically, that he hates his father for leaving him in Florida and that he will never love his father again.

THE MINOR:

With little background material on Robert Teed, it can be said only that since his parents' divorce he has developed a great hostility toward them and toward the world in general. Although a healthy, athletic boy with above average intelligence, Robert cares little about his personal appearance, achievements, or actions. He boasted to the probation officers who interviewed him that he had been sniffing glue for a long time and that no one was going to stop him. He is small for his age and compensates for this with quick, rebellious, "smart aleck" comments and attitudes.

Robert's hostility is reinforced by his father's frustration concerning the boy's lack of achievement. The two can't seem to get together and work things out, for both take an unyielding position to begin with.

Personality change in Robert will come only with the passage of time and with the development of interests and motivations. At present, there is nothing meaningful for Robert in communication or association with others.

SCHOOL REPORT

McCray Junior High School Grade 8

Scholarship: D-average (Although his father states that Robert was a very good student before the father left Florida in 1959).

Behavior: Poor

Attendance: Good

I.Q.: 115

Robert's teachers say they have to excuse him from classes every week or so because he continually disrupts the class with wisecracks and distractions. These teachers have met with the father who demands that his son improve and that he be given every chance to achieve a good education. Robert's failure in school may be a means of "getting back" at the father.

PSYCHOLOGICAL REPORT:

Robert will not let his feelings be anything but aggressive and hostile. It is believed on superficial observation that he is afraid to involve himself emotionally with anyone, particularly his parents. Certainly he wants to pay back the "others" for doing him wrong(s). His associates have always come from comparitively good homes and most of his delinquent acts (from what he has said), were committed alone. If others were involved, he was the organizer, the ringleader, and the one with the ideas. In the present case Robert stole and furnished the glue. He has been severely hurt during the last few years and is reacting to this. From what was learned from Mr. Teed, Robert's early years were comparatively happy; the possibility of early childhood trauma does not appear likely.

OTHER AGENCY CONTACT:

Report pending acknowledgement by Florida authorities.

EVALUATION:

Robert Teed is in need of patient and professional understanding. If his present personality disposition is maintained, he will never be free of antisocial behavior patterns.

It is believed that he would be a poor probation risk because he dislikes the only person with whom he could stay during his probationary period--his father. The chances are that he would run away rather than stay with either of his parents.

"Overnight cure" is out of the question for Robert Teed. Only a slow process of growing, changing, and forgetting will help him.

RECOMMENDATION:

It is respectfully recommended that Robert Edward Teed be declared a ward of the Court. Under the present circumstances, it is believed that the best disposition of his case is placement in a State or County correctional facility for professional psychiatric and counseling care until such time as it is practical to return him to his father or to put him in a foster home.

DISCUSSION

Two of the glue sniffers in this case never reached the probation department. The third boy stayed in Juvenile Hall over the weekend. A petition was filed and the detention hearing was held on Tuesday.

You will frequently meet children whose parents, like Robert Teed's father, refuse to have their child at home. The parent is usually less adamant than he seems and often cools off quickly. But just what is to the best interest of the juvenile in this situation? Here, as in similar instances, the child was detained for his protection, although you will notice that the reason for the detention was not specific.

You may think that the recommended disposition of this boy was a little harsh since he was quite young and did not have a very long record. On the other hand, his home life seemed harmful because his father undoubtedly neglected him. But remember that the officer who wrote the case report and made the recommendation for disposition was fairly senior in the department. Younger officers at first tend to favor the minor but due to the public's demands for harshness and their own sense of loss when their ideals must give way to professional realities, they often come to put a great emphasis on the offense. It is hoped that they will learn to steer a middle course.

The discussion between the deputy and his supervisor raised many important points and also offered a good example of the way decisions are made. One question in this case was whether the petition should be filed on Robert Teed under Section 601 ("danger of leading an .... immoral life") or 602 (Delinquent Act) of the Welfare and Institutions Code. There were certainly sufficient grounds for filing under Section 602 but it is doubtful whether the offense, considered alone, justified the recommendation that he be declared a ward of the court. The case history and the family background of the boy argued for Section 601. In this case, a 602 would probably stand up better in court and the judge would be able to take into account the boy's social history in making a disposition. This decision was particularly difficult because the other two boys involved were merely reprimanded and then released. Although the juvenile law is supposedly written in the child's interest, it seems a little unfair that two of the three boys involved in one offense should be let off with no more than a reprimand, while the third should find himself taken away from home. Nevertheless, it was not really in the interests of Waters and Mariscal to be placed on probation or taken away from home, whereas the interests of the Teed boy may well be served by being made a ward of the court.

Now let us take a closer look at the Court Report. The first page is fairly standard. The boy's name and age were given, followed by his parents' names and addresses. A line or two explained that he came to court from Juvenile Hall (rather than upon a Notice to Appear). This was followed by a short statement of the reason for the hearing, and a detailed statement of the facts concerning the allegation. It is important that this statement (and the statements of the witnesses and the minor) be as complete and as accurate as possible, for the judge will make a determination on the basis of them. It is upon this information that the judge will decide whether or not a child comes under Section 602 of the Welfare and Institutions Code.

Note that the policeman made the boys clean up the mess which they had made in the men's room. This seems sensible, but do the police have the authority to do this sort of thing?

The description of Robert Teed's family in the case history almost speaks for itself. He was the unfortunate child of a broken home and seems to have been pushed from mother to father. He resented his mother because of her behavior, and resented his father because he could not live up to his father's expectations. This seems to have caused the hostility which was clearly evident in his own statement. His school report described a similar hostility, but without the tentative corroboration of the boy's statement, the school report had indeterminate value.

A negative report ("student hostile," "disrupts class," etc.) may mean "I don't like this boy" or "I can't control him." Grades, too, may indicate less than they seem to. School administrations may manipulate grades. Students in classes for retarded children sometimes cannot earn high grades because of school policy, no matter how good their work. Local school problems can affect you and your professional success will depend to some extent on your knowledge of the school system and your ability to work well with teachers and school officials.

Since Robert resented both parents and did not want to live with either of them, the suggestion that he go to an institution was probably the most sensible one. Most judges would probably not send him to the California Youth Authority because of his age.

When you make a recommendation to the court, it is always good practice to consider the other possible dispositions which the judge may want to explore. He may ask questions about them and you should be prepared to furnish the answers. The probation officer's recommendation in the Teed case was made in terms of his perception of the boy's needs. On the basis of this he decided that institutional care was desirable. Is this true? What information led to this decision? It may well be that the boy would react favorably if allowed to return home if his father were able to give better and more understanding control. Aren't probation and wardship equally as effective as institutional placement? What were the factors which caused the probation officer to make his recommendation? They seemed to be the father's attitude, the boy's attitude toward his father, the school report, and the psychological report. Combined, they show a boy who was not able to cope with situations in which he found himself and who as a consequence responded by exhibiting hostility toward every authority figure in his life.

Since the boy had recently come to Osborne City from Florida, he had no record in Howard County, but it was believed that he had a record in Florida. At the time the case history was prepared, the Florida record had not been received. Would it have been worthwhile to wait for it? In answering this question, weigh the psychological effect on the boy against the possibility that the judge may want or need this information.

This was a relatively simple case which raised only two important questions: Should the boy be treated differently from his accomplices? Can his family care for him?

Third Setting

Juvenile Court, the following day; a detention hearing.

Characters

The Judge	Juvenile Court
Tom Bressler	Probation Officer
Robert Teed	Juvenile Offender

SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF HOWARD

IN SESSION AS A JUVENILE COURT

In the Matter of

Robert Edward Teed

Age ......13.. Birthdate .7/9/50..........

Address ....

No. ...**Case I**...........

PETITION
(Section 602)

I, the undersigned petitioner, say on information and belief:

(1) The person whose name, address, and age are shown in the above caption, is under 21 years of age and is/xxx residing within Howard County.

(2) This person comes within the provisions of Section 602 of the Juvenile Court Law of the State of California, in that said person, on or about, **September 20, 1963** in the County of Howard, State of California, did then and there **unlawfully take the property of the Acme Hobby Shop, 224 Faulkner Avenue, Osborne City, California consisting of one tube of glue, the approximate value of fifteen cents ($0.15), lawful money of the United States, thereby violating Section 484 of the Penal Code of California;**

(3) The names and residence addresses of parents and guardians of said person are:

Name	Relationship	Address
Roger Teed	**Father**	**622 Chestnut St., Osborne City**
Georgina Teed	**Mother**	**Cavort Hotel, Miami, Florida**

(4) The above named minor is/~~is not~~ detained in custody. Said minor was taken into custody **September 20, 1963** at **6:30 PM**. Hearing as to further detention is set for **1:30 PM** on **September 23, 1963**

THEREFORE, I request that this person be declared a ward of the Juvenile Court.

Dated ..**September 23, 1963**...

..Thomas Pressler
(Petitioner)

SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF HOWARD

IN SESSION AS A JUVENILE COURT

In the Matter of
Robert Edward Teed

13 years, 2 months
....
(Age Years)

Proceeding No. .... Case I

RECOMMENDATION FOR
ORDER OF DETENTION

The Probation Officer hereby recommends in connection with the ________________ petition filed in the matter of the above named person that an order of detention of said person pending hearing be made by this Court for the following reason:

( ) Said minor has violated an order of the Juvenile Court.

( ) Said minor has escaped from a commitment of the Juvenile Court.

(x) It is a matter of immediate and urgent necessity for the protection of said minor that said minor be detained.

( ) It is a matter of immediate and urgent necessity for the protection of the person or property of another that said minor be detained.

( ) Said minor is likely to flee the jurisdiction of the Court.

The facts in justification of the recommendation for such holding order in this matter are as follows:

Robert was brought to Juvenile Hall by an Osborne City police officer at 7:55 PM on September 20, 1963. Police were called to the Drive-Inn Restaurant by the manager, Mr. W. B. King. He reported that 3 or 4 boys had locked themselves in the men's room of his establishment and refused to come out. The officer responding to the call requested that the boys come out of the restroom. When they did the officer found that they were "high" from sniffing glue.

Robert was detained at Juvenile Hall after his father told juvenile officers that he didn't want anything to do with the boy. "Lock him up," were the father's words. The other boys were released.

The boy admits stealing the glue and sniffing it, stating that the glue on which the boys got "high" was stolen from the Acme Hobby Shop on Faulkner Avenue.

Robert has no previous record in this jurisdiction. However, he states that he had been in trouble while living with his mother in Florida. The Osborne City Probation Department is waiting for information from the Florida authorities concerning his record. As of September 23, 1963, the boy's father, Roger Teed, has not appeared to consult with the Probation Department concerning release of his son.

DETENTION HEARING: ROBERT TEED

Robert Teed was taken into the courtroom by the Juvenile Hall counselor and told to sit down in front of the court desk before the Judge. The Judge then nodded to the probation officer seated at the side of the desk.

"Is your name Robert Teed?" the officer asked.

A brief hesitation. "Yeah."

"Do you live at 622 Chestnut Street, Osborne, California?"

"Yeah."

"Your Honor, further detention is being requested because it is a matter of immediate and urgent necessity for Robert's protection," the probation officer said as though he were reciting the code section from memory.

The Judge glanced at the petition and the recommendation for order of detention. "Is the boy's father here?"

Robert held his breath. He turned around and looked at the cold row of empty seats behind him. The probation officer answered. "We talked to him over the phone. He has no objection to Robert's detention. He has been served with a copy of the petition and a notice of hearing."

Robert swallowed hard.

"O.K., Robert," the Judge said, "we have to decide whether or not we should keep you here until your hearing. At the hearing we are going to decide whether the allegations in this petition are true." The Judge fanned himself with the petition. "Have you received a copy of this petition?" he said, waving it in front of Robert.

Robert shrugged his shoulders. The probation officer interrupted. "That's the piece of paper I handed you this morning, Robert. When you told the police what you had done, they wrote it down on that paper."

"I guess I got it."

"The petition alleges that you stole some glue from the Acme Hobby Shop. Do you know what an allegation is, Robert?" the Judge asked.

A mumble.

"No."

"An allegation is what the police and probation officers think you did wrong. Do you understand why you were taken into custody and brought here?"

"'Cause I took the glue?"

"That's correct, Robert," the Judge said. "You have a right not to answer any questions about what you have done. If it is necessary, at your hearing, the probation officer will bring in witnesses to tell what you have done and you may bring in witnesses to speak for you. If you will give the names and addresses of such witnesses to the probation officer, he will see that they are brought into court to speak for you. It is not necessary for you to have an attorney, but you may have one if you wish. He can present your side of the case. If you have an attorney in mind, tell your probation officer and he will contact him for you if we decide to keep you in custody."

Robert nodded his head dumbly.

"Robert, the probation officer tells me you are having a good deal of trouble with your father. Is that true?"

"Uh-huh." Tears were clouding his eyes.

"Would you like to stay with him until your hearing?"

"I don't think he'd let me. He's pretty sore at me."

"For your own protection, Robert, I'm going to detain you." The Judge signed the order, and Robert was escorted out of the room by the counselor. The Judge tried not to think whether Robert was crying.

DISCUSSION

Robert Teed is an unfortunate child rejected by his parents. In the past, extended families (grandparents, uncles, aunts, etc.) and close friends and neighbors often provided a temporary refuge outside the home for the teenager. Such refuges, however, are the exception in today's middle class neighborhoods.

Nevertheless, should the Judge have inquired about the possible existence of these alternatives?

Without considering the legal correctness, does it make sense to confine this youngster in "delinquency" detention facilities where he will come into contact with older boys who are more likely to be confirmed in their delinquent behavior? Is your answer dependent on whether children in "delinquency" facilities are separated according to age and custodial risk?

Fourth Setting

Juvenile Court, two weeks later; the adjudication hearing.

Characters

The Judge	Juvenile Court
Tom Bressler	Probation Officer
Mr. Black	Mrs. Teed's Attorney
Robert Teed	Juvenile Offender

Robert Teed and his father were seated in the corridor just outside the courtroom. Tom Bressler, the probation officer, could hear them talking. How could he help it? Mr. Teed was giving a lecture.

"Bob, if you ever amount to anything, I'll be amazed. You're thirteen, aren't you? So act like a man. You've got to start growing up, boy."

Tom tried to concentrate on the sound of his own footsteps as he walked down the hall toward the Teeds. The boy was staring at the floor. Tom avoided the eyes of the father and walked into the courtroom. The Judge was sitting behind the court desk at the other end of the room. He was young, but his face revealed maturity and his robes added to his dignity. Tom used to joke with the fellows about the "black nighty" the judges had to wear, but at this moment his throat was dry, and he felt grave. It was so quiet. There were just the two of them. The Judge was reading a folder...he turned a page. Tom twitched a little.

"This is ridiculous," he said to himself. "I'm not on trial." He started to go forward; the Judge looked up.

"Oh, Tom. Listen, I want to talk to you for a minute."

"Of course."

"Robert Teed isn't going to deny any part of his statement, is he?"

"No, I don't think so."

"Well, then, don't you think it would have been better to charge him with malicious mischief? There may be difficulty establishing the corpus delicti for the theft of the glue solely from his admission. There's hardly any circumstantial evidence to establish that any glue was actually stolen."

"You're right, Judge. Why don't we amend the petition to that effect in open court?"

"Impossible. We would have to give the parents and the boy notice because this amounts to a new petition."

"The father isn't going to be anxious to come back again. I'm sure he and the boy will waive service."

"What about the mother?"

"She lives in Florida."

"That's a problem. She has to be served too, you know."

"Can't we just go ahead with the original petition? I doubt that either the father or the boy will give us any trouble."

The Judge groaned a little. "All right. Let's give it a whirl. It's not going to do the boy any good if this thing keeps hanging over his head."

The Judge went back to his folder. Tom took the hint and left the courtroom. Outside he accidentally brushed against a stranger who was talking to Mr. Teed. He sized up the man quickly. Middle-aged, a brief case, good suit. "Obviously a lawyer," he said to himself. "Pardon me."

"That's O.K. I'm Joseph Black. I represent Mrs. Teed." His hand was outstretched.

"Oh? I didn't know Mrs. Teed was so interested," said Tom in rhythm to the handshake.

"A mother not interested in her son? She wants Robert to live with her."

The Bailiff popped his head out of the courtroom. "The Judge is ready," he called.

Black slipped into the courtroom immediately. Tom ushered the Teeds in, and then introduced everybody, including Black, to the Judge.

"Mr. Black, have you had a chance to read the probation report?"

"No, Your Honor. I've only seen the petition and a copy of the notice. Mrs. Teed sent them to me by mail and I just received them this morning." He looked down and noticed that Tom was gently pushing a copy of the report toward him. "I guess I have the report now," he said, taking the sheaf of papers in hand.

"Are you prepared to proceed, Mr. Black?"

"Yes, Your Honor. Since Robert admits the thefts, my only concern is the disposition."

The Judge then asked Robert and his father whether they had been informed of their right to counsel and whether they understood the allegation of the petition. Black was quickly going through the probation report. The court reporter was patting her hair into place and pursing her lips in front of a small pocket mirror. The clerk was reading the petition aloud with the enthusiasm of a mortician. The Bailiff was standing at the rear of the courtroom. He appeared to be listening but he was probably thinking about the T. V. dinner he would have to fix for himself if his wife's afternoon bridge game didn't break up early. As for Tom, he was painfully aware that he had absolutely nothing to do at this point, so he listened to the reading of the petition with great interest. After all, he had written it.

The Judge then looked up. "Robert, is it true that you stole that glue from the Acme Hobby Shop?"

"One minute, Your Honor," said Black. "I've just glanced through this report and it seems to me there is some doubt whether the corpus delicti has been established."

"Didn't I know it," the Judge said to himself. He looked over at Tom. "Mr. Bressler, don't you think we should continue this in order to bring in the witnesses?"

"Yes, Your Honor," said Tom. The perfect response to a rhetorical question.

The Judge looked at his calendar. "I'm going to continue this for another week. I can either keep Robert here for the week or release him to you, Mr. Teed."

"I think he's learned his lesson the past couple of weeks. It's probably better for him to stay with me. Let's just hope he behaves."

"How about it, son?" the Judge asked Robert.

"I'll be good."

The Judge excused everybody and told them to wait outside the courtroom for Tom.

"Tom, see if you can work something out. Maybe a private placement. The father seems to have money."

"No problem there..."

"If the situation looks promising, see if the father will go for informal probation. If so, we can take the case off the calendar. If not, let's bring him back on malicious mischief or perhaps under Section 601 for glue sniffing. And if you have to bring him back, try to get his Florida record here too."

DISCUSSION

Mr. Teed's public rebuke of his son indicated the strained relations between them. In this case it is certain that Robert could not look to his father for guidance and counsel, but, in most cases, parents and the children should be encouraged to work out their problems together during the detention period.

The judge should always take advantage of opportunities to gather first-hand information which might supplement the probation reports. Court recess is a good time to do this; the participants are not under courtroom strain and are more likely to behave in their normal manner. If the judge had heard Mr. Teed publicly rebuke Robert, he would have gained knowledge of use to him during the disposition.

> For further discussion of people whose behavior a judge may have to evaluate, see Morris Rosenberg, pages 96-101.

Observing the behavior of people in a corridor, however, is not the same as observing the behavior of witnesses on the stand. The judge therefore should not let the judgments he forms from casual observation influence him in his determination of the facts of the situation.

When Tom Bressler first entered the courtroom, he was affected by its atmosphere. Most of us feel a certain sense of awe when we stand before a judge who is dressed in his traditional gown. Even in the juvenile court, where the judge may meet the participants while sitting at an ordinary desk on the floor level, the black robe is not an unnecessary formality. The law requires a court reporter, a clerk, and a bailiff to be present and all these people may distract the youth and his parents; the judge's robe makes it easier for them to focus their attention on him. The absence of a robe may also make the child think that the judge is not entitled to respect because he does not look like a "real" judge. On the other hand, some judges feel that robes detract from informality and are incongruous when a floor-level desk is used. Such a judge prefers other methods of establishing his authority. For example, he will take the lead in conducting the direct examination, or he will instruct the probation officers to acknowledge his identity in their introductory remarks and by their general demeanor.

For a description of roles a judge may choose to play, see Sophia M. Robison, pages 102-107.

The judge should command the respect of all the participants, but he is not a visitor from Mount Olympus, and he is not the only one in the court entitled to professional respect. It is very important that the probation officer be accorded adequate status from the point of view both of teamwork and of his ability to supervise the youth later. By adopting a conversational and friendly tone with Tom Bressler, the probation officer, the Judge let him know that he was relying on him for vital information, and Robert and his father were made aware that the court was giving serious consideration to Tom's suggestions.

It is a close question whether the circumstantial evidence in this case could independently establish the elements of the offense, i.e., the *corpus delicti*. This is a problem in juvenile court. Many children confess to misdeeds they are not charged with or have not committed simply because they do not understand the allegations of the petition. The Judge therefore wanted to amend the petition to allege malicious mischief, but if he had done this it would have been necessary to serve the mother. Since the purpose of the hearing was to help an errant boy, not to bring to justice a hardened 13-year-old criminal, the Judge decided to go ahead with the petition as it stood rather than delay the case. Nevertheless, great gains had been made. Tom became aware that the Judge's actions were guided by legal restraints and were not arbitrary; the code clearly states that the boy's mother would have to be served if the petition were amended. It was also clear that the Judge did not deliberately create a legal problem, for the lawyer, Mr. Black, also questioned the existence of the *corpus delicti* at the very beginning of the hearing. If Tom had been aware of the legal consequences of the allegation, the question might never have arisen.

This should make it clear that the probation department and the judiciary cannot live apart as separate entities. They need each other. The judge must let the probation department know that he is aware of the problems they share in common and that he is using the law as a safeguard, not as an obstacle course.

The judge must be flexible and must be able to alter his course of action if the situation changes. In this instance, the Judge did not want the case "hanging over Robert's head," yet he ordered a continuance when Attorney Black raised the corpus delicti question. Why did he not merely ask Black if Mrs. Teed would waive service if the petition were amended to allege malicious mischief? Surely Black would not have objected to this. Perhaps Black's appearance in court alerted the Judge to the fact that Mrs. Teed was interested in her son's difficulties. For Robert's sake, the Judge did not want the case to drag on, but he knew it would be worse to have the court turned into a battleground in a parental custody war.

A less perceptive judge would not have realized that Mrs. Teed might want Robert to live with her again. Black told this to Tom, but Tom did not have a convenient opportunity to tell the Judge. Should he have made an opportunity by asking for a private conversation? This is an example of the importance of communication between judge and probation officer.

The Judge's order for continuance presented the problem of what to do with Robert in the meantime. In deciding such questions in the juvenile court, the judge does not usually speculate on abstract concepts concerning deprivation of freedom and psychological repercussions; these topics are usually relegated to cocktail parties or law review articles. In court, the judge is concerned with more concrete considerations. If the youngster is released, will he be a threat to the community? Will he have satisfactory accomodations? Robert's actions did not make him a dangerous threat to society. He was quite willing to go back to school, and his father had agreed to take care of him. Since his conduct and age did not warrant placement with the California Youth Authority or in the county youth camp, the Judge considered the possibility of private placement in an institution or foster home. It was obvious that he wanted to keep the boy out of court and to protect his record. The father could afford to pay for Robert's placement, and the Judge preferred to save county money and facilities for those who could not afford to pay their way. (This attitude, however, can present a further difficulty, for the rich boy may escape adjudication and the poor boy may have to face it when county facilities are not available. A solution would be to make private arrangements available for those with less money, but this is a budgetary problem beyond the scope of this manual.)

Let us now consider the attorney. His importance has not been overlooked by the juvenile court law which makes specific provision for the appearance of counsel. Since the parents usually pay for his services, they are inclined to listen to what he says and to follow his advice. Thus the attorney can help in the rehabilitation process by acting as a link between his client and the probation officer in working out a plan for the youngster's future.

The judge should help enlighten the attorney, and should encourage him to be a contributor to the juvenile court process, not an opponent of it. The unity of interest of attorney and court must be recognized and fostered. In the Teed case, the Judge did not have much opportunity to establish meaningful rapport with Black, but he made a start by giving him a chance to become acquainted with the probation report. When the case is continued, the Judge may have a better opportunity to bring Black into harmony with the proceedings.

In noncontested cases, the attorney should not go into court with a litigious chip on his shoulder, and the judge should not permit him to interrupt the proceedings with highly technical objections during the giving of evidence. This turns court proceedings into a formalized ritual in which people communicate to each other in jargon whose meaning is known only to the experts. The others do not know what is happening, and the youngster tends to mistakenly equate the attorney with Perry Mason. The probation officer also is usually in the dark: this may cause the youngster to see him as an inept prosecutor or a buffoon.

In contested cases, it is of course the attorney's duty to be an advocate. If he believes the allegations in the petition are not true, or that a finding has been made without sufficient or legally admissible evidence, he should make proper objection. Certainly Black's objection to the corpus delicti was legitimate. He did not know that the Judge had originally planned to ignore the theft of the glue in the adjudication in favor of discussing it during the disposition.

The probation officer and the attorney should have an opportunity to talk to each other about their common concern: the welfare of the youngster. A mutual understanding of this before the adjudication begins will result in an intelligent conference designed to help a youth escape the snares of delinquency rather than an adversary proceeding which may further entangle him.

Lastly, in the courtroom, when the participants were introduced to the Judge, the atmosphere became less tense and this promoted discussion. This method is much more effective than arranging the participants before the judge like convicts in a line-up; in such a situation,intelligent discussion is aborted since the participants think their only function is to answer questions.

In addition, the exchange between the Judge and the participants was informal and relaxed. The discussion between the Judge and the attorney saved a great deal of time in the uncovering of an important legal issue. Such informality would be unlikely in a regular civil or criminal court.

Our last point concerns the way in which the clerk read the petition. The Judge, who is able to command everyone's attention, should have read it and explained its meaning. This guards against the possibility of a youth confessing to something that is not alleged because he has not understood the petition. The clerk is a legally sanctioned official of the court, but since it is desirable to make the proceeding less formal, his role should be carefully limited.

From Morris Rosenberg, Occupations and Values. The Free Press, Glencoe, Illinois, 1957. Preface and pp. 16-18. Copyright The Free Press. Reprinted by permission.

INTRODUCTION

Much of the research done by Rosenberg indicates that certain occupations tend to attract certain types of people. It may even be possible to group occupations by the values they represent. Some are "money-oriented" and others are "people-oriented." Rosenberg describes his investigations below.

"THE DISTRIBUTION OF VALUE-COMPLEXES AMONG OCCUPATIONS"

"If values play a role in determining one's occupational choice, then we would expect people planning to enter different occupations to vary in their values. And, indeed, this variation turns out to be wide and tends to be consistent with the structure of the occupation.

"...with the support of a generous grant from the Carnegie Corporation of New York, an empirical study of college students' values was launched at Cornell in 1950. A representative sample of 2,758 students were queried about their occupational, education, economic, political, religious, and social values. In 1952 a new values study...was conducted with 4,585 college students selected on a representative basis from eleven universities throughout the country.

"By means of a weighted average(8), we ranked each occupation in terms of the emphasis which people planning to enter the field placed on the three major value-complexes (self-expression-oriented, people-oriented, and extrinsic-reward-oriented).

TABLE 3

OCCUPATIONS RANKED ACCORDING TO WEIGHTED AVERAGE SCORE ON "SELF-EXPRESSION-ORIENTED" VALUE COMPLEX

OCCUPATIONS	WEIGHTED AVERAGE OF "SELF-EXPRESSION-ORIENTED" VALUES
Architecture	5.78
Journalism-Drama	5.44
Art	5.42
:	:
:	:
Real Estate-Finance	3.52
Hotel-Food	3.23
Sales-Promotion	3.20

"(8). The weighted average was arrived at in the following way: A weight of 4 was assigned to people selecting a particular value alternative as first choice, 3 for second choice, 2 for all other high choices, 1 for medium choice, and 0 for low choice. Since each value-complex consisted of two value alternatives, it was possible for each individual to choose one value alternative as first choice and another as second choice; this produced a weighted average for each value-complex ranging from 0 to 7. It may be felt that a negative value would have been more appropriate for the low choices, but since our interest was solely in establishing a base for comparing occupations, this weighting procedure appeared adequate for descriptive purposes. It must be recognized, of course, that the procedure obscures bimodality, but we found no cases of occupations in which large proportions selected the same value alternative as very high and very low, with a small proportion between.

"As Table 3 shows, students planning to enter the fields of architecture, art, journalism, or drama are most concerned with creativity or the use of their talents in their work. The field most strongly de-emphasizing self-expression in work are the business occupations of sales-promotion, hotel management, and real estate or finance.

TABLE 4

OCCUPATIONS RANKED ACCORDING TO WEIGHTED AVERAGE
SCORE ON 'PEOPLE-ORIENTED' VALUE COMPLEX

OCCUPATIONS	WEIGHTED AVERAGE OF 'PEOPLE-ORIENTED' VALUES
Social Work	5.33
Medicine	4.12
Teaching	4.06
:	:
:	:
Farming	2.14
Engineering	1.95
Natural Science	1.79

"The 'people-oriented' value complex, as Table 4 indicates, is most strongly stressed by students planning to enter social work, medicine, teaching.... It is quite obvious in this case that the occupational value and the nature of the work are meaningfully related, for each of these occupations involves work for, with, or about other people.

"The relationship between the structure of the occupation and the values selected is also revealed by the fact that the occupations which place the least emphasis on 'people-oriented' values are natural science, engineering, farming,.... This is to be expected, for work in these fields plainly embraces, as structural imperatives, the manipulation of physical matter or impersonal problems....

TABLE 5

OCCUPATIONS RANKED ACCORDING TO WEIGHTED AVERAGE SCORE ON 'EXTRINSIC-REWARD-ORIENTED' VALUE COMPLEX; AND WEIGHTED AVERAGE FOR 'SECURITY'

OCCUPATIONS	WEIGHTED AVERAGE ON 'EXTRINSIC-REWARD' VALUES	WEIGHTED AVERAGE-'SECURITY'
Real estate-Finance	3.64	2.30
Hotel-Food	3.58	2.60
Sales-Promotion	3.53	2.39
Law	3.34	2.16
:	:	:
:	:	:
Natural science	2.07	2.16
Teaching	1.96	1.95
Social Work	1.33	1.29

"...it is not surprising that people planning to enter real estate or finance, sales-promotion, hotel management, law...should place the greatest stress on the extrinsic rewards of money, status, and security (Table 5). Considerably less stress is placed on these values by social workers, teachers, natural scientists...(although...natural scientists are highly concerned with security).

"It is evident that these various occupations have certain technical or structural imperatives which permit the satisfaction of particular values.... The importance of this fact for social motivation is that in a society with diverse occupations capable of satisfying many values, a greater degree of matching between values and the technical requirements of the occupation becomes possible....

"The fact that such a wide range of values may be satisfied in work may also be considered from another point of view. While there is sometimes an off-hand tendency to assume that people work because of the money or status or security it will bring them, a little reflection makes obvious a fact revealed by our data, namely, that many place greater stress on the satisfactions involved in doing the job itself, in expressing their creative potentialities, or in the pleasures of interpersonal interaction which is a part of their work."

SUMMARY

Rosenberg's study showed that specific occupational aspirations of students correlated with their values along three dimensions: self-expression, orientation to people, and extrinsic reward. He found that people concerned with monetary success are more likely than others to feel that "institutionally dubious means are necessary to get ahead." He pointed out that his data "rather clearly suggests that those who value monetary success feel that an essential means for achieving it is the control and manipulation of others for one's ends." Persons with little "faith in people" were also found to place a high value on monetary success, and occupations favored by such persons are sales promotion, business, finance, and advertising and public relations as opposed to social work, personnel work, and teaching.

Research now in progress is attempting to classify the occupations of parents along the lines suggested by Rosenberg's findings to see if there is a relationship between delinquent behavior and those occupations favored by Rosenberg's subjects who were "money-oriented," and delinquent behavior.

In a pilot study conducted in Los Angeles by Schwendinger, he found that his "insider" group--those with delinquent values--were more likely to come from households where the father was in a money-oriented occupation. He is following up this research by asking fathers about their work satisfaction. Do they like their job because of the fulfillment it brings them or because of the money they make which enables them to buy more and more commodities?

These two points about the occupation of the father may be an important index to family values which nurture delinquency. Information on the father's occupation is contained in the probation report. The information about work satisfaction could be asked in court.

From Sophia M. Robison, Juvenile Delinquency: Its Nature and Control.
Henry Holt and Company, New York, 1960. pp. 253-262. Reprinted
by permission.

INTRODUCTION

Robison discusses briefly some of the possible roles available to judicial officers and points out the factors which are assimilated into the role which particular judges or court officers can most comfortably play in the courtroom.

"HOW THE JUDGE SEES HIS ROLE"

"Since the juvenile court law prescribes that the judge shall act in the best interest of the child and not primarily in relation to the determination of guilt or innocence, the way in which the juvenile court judge views his role is a decisive factor in the outcome of the case. Furthermore, because the decisions of the juvenile court judge are usually final, there is seldom an appeal, so that rarely does a higher court review a juvenile court case and reverse the judge's decision. In this sense, then, the juvenile court judge has more opportunity to 'play the role of God' than is true of other judges.

"The best way to know how the juvenile court judges interpret their role is to observe them in action. The material which follows is based on a study conducted by two experienced graduate students in a school of social work, who, over a period of eight months, observed 219 sessions presided over by fifteen judges in a large city court....

"Although all fifteen judges observed presumably met the preliminary qualifications for their appointments with respect to their legal background, experience, personality, and interest in children, no two judges apparently conceived of their role in exactly the same way.... On the basis of their many observations, the students were able to identify, through analysis of their independently recorded observations, five more or less distinct roles apparently performed by the judges they observed.

"The Parent Judge. In this role, the judge identifies with the parent more than with the child and regards the child's duties to his parents as paramount. Obedience, in this judge's opinion, is essential if the child is to be saved. Usually this judge does not look at the individual child in the light of his special individual needs but believes that, like a parent, he knows what is best for the child.

"The Counselor Judge. The counselor judge is the opposite of the parent judge. His emphasis is almost exclusively on the unique individuality of each child. The counselor judge views the behavior of each child as stemming from a specific chain of experiences at home, in the school, in the community. He is therefore concerned with the dynamics of the interrelationship between the child and his parents. Ordinarily he insists upon seeing the complete history of the child ahead of time and considers the probation officer as a resource for supplementary information. The other court personnel--the psychiatrist, the psychologist--he regards as members of a professional team. To a considerable extent the counselor judge, in contrast to the parent judge, appears to be aware of himself and the extent to which he may be projecting his own needs in his relations with other persons.

"The Chancellor Judge. While somewhat similar to the counselor judge, the chancellor judge is self-disciplined rather than self-aware. As the protector of the child, he balances the child's rights with those of the parent and the community. When difficulties arise between them he is the arbitrator. When he acts *in loco parentis* he symbolizes the benevolent parent since the court is set up to help the child and the law is the primary tool in that process.

"The Lawyer Judge. The judge who sees his role primarily as that of a lawyer rather than a chancellor likewise uses the law as a primary tool but he uses it differently. The lawyer judge regards the court as the appropriate set-up for administering the law--helping the child is but a by-product. In contrast to the others, the lawyer judge appears to have a stronger identification with the adult court. This approach symbolizes the concept of proceeding *against* rather than *in behalf of* the child.

"The Antagonist Judge. The antagonist judge, represented by three of the fifteen visited, reacts personally in each situation so that it is difficult to classify his concept of his role. But because he appears, more often than not, to be hostile to the child, his role is designated as that of the antagonist...."

"THE JUDGES IN ACTION"

"The Setting. From the lawyer judge's point of view, a high-ceilinged, wood-paneled, austere courtroom may seem an appropriate background for the dignity of the law. To the young child, however, such a setting may be frightening. If he stands below the dais and has to stretch to look up to the judge, he can hardly feel sufficiently relaxed to respond easily to questioning. The presence of one or both of his parents, of court attendants or other persons of whose business he is ignorant, may easily disturb him. Aware of this possibility, some judges see children in informal settings....

"A judge's robes, like a priest's vestments, may serve as the symbol of his role. In this sense the robe serves to separate the judge from the child.... Whether or not the juvenile court judge feels that he needs the authority of his robe depends upon his individual interpretation of his function....

"Approach to Parent and Child. Another important factor in the readiness of the child or his parent to accept the help of the court is the way in which he is greeted. In the courts observed, the judge's greeting varied with his concept of his role and naturally with his personality....

"Since the hearing takes place in court, one expects some legalistic aspects, even though, according to juvenile court standards, these are to be minimized. All fifteen judges customarily informed the respondents that they had a legal right to be represented by counsel. Some, however, emphasizing the legal aspects of their role, put the child on the stand as they would an adult and in this manner attempted to get fairly extensive testimony....

"Time Devoted to Hearing. The length of time that a judge is willing to spend on a case reveals a great deal about his attitude and his approach to the delinquent. As they would in other courts, almost without exception the judges took the time to explain the nature of the proceedings to the respondents. Occasionally, however, a respondent was too confused or so limited in understanding that the judge became impatient.... As a rule counselor judges are aware that the extent to which they give the child and his parents the feeling that they are concerned and wish to be helpful is related to the amount of time they are willing to devote to the case. Aware that what a child says will depend upon who is listening, they arrange to take extra time to hear the child's story separately. Occasionally a judge asked the parents to leave the courtroom....

"Individualizing the Case. Whether or not the judge is able to convey to the child that he sees him as an individual is a very important factor in the child's acceptance of help.... A judge who individualizes each child who comes before him gives the child the feeling that he wants to understand what has been troubling him and to help him overcome the difficulties which cause his unhappiness and disturbance. To invoke this feeling such a judge tries to get the child to talk about himself at the very beginning of the hearing as an indication of interest in him as an individual."

SUMMARY

The juvenile court judge has more discretion than other judges in determining the judicial role he is to play. Robison discussed five roles most often utilized by the judges in a large city court: the parent judge, the counselor judge, the chancellor judge, the lawyer judge, and the antagonist judge.

Some of the variables by which the judges may be categorized are the following: the setting of the courtroom, whether or not he wears his robes, his approach to the parents and to the child, the time devoted to the hearing, whether he individualizes the case, and the formality or informality with which he operates his court.

CASE TWO

Unlawful Entry, School Building

First Setting

A police station in Osborne City, at 8 o'clock on Friday evening, September 20, 1963. The desk sergeant is dispatching the new officer to investigate a suspected burglary at an elementary school.

Characters

Sgt. Mike Keats	Juvenile Bureau
Jack Fowler	New Officer
Wilbur Brown	Complainant
Daniel Kain	Juvenile Offender
Peter Anderson	Juvenile Offender
Clyde Ayer	Juvenile Offender
George Feinstein	Juvenile Offender

"O.K., Fowler, you try this one. Go down to Dickens Elementary School and see what's going on there. The janitor called in about half an hour ago and said he suspected burglars. Then he called to say he's caught four kids playing on the trampoline."

* * * * *

.......An hour later.

"I've talked to these four kids, Sergeant. The school janitor reports that one of the small windows in the john was broken--that's how they got in. He looked around the place and all he could find was a broken lock on the freezer in the school kitchen and some ice cream wrappers on the floor. He also found a petty cash box which had been forced open. It's used for small change in the school canteen and hardly ever had more than four or five dollars in it. He says he knows because his wife runs the canteen during the week.

"I've talked to the boys--they're all pretty young, and they admit almost everything. Well, one of them won't say very much--seems to be a pretty tough kid. I don't quite know what to do with them. Burglary is serious, I suppose, but they're all so young."

"Well, you'll never find out what to do unless you ask."

"Yes, that's right, but I don't want to bother you, Sergeant."

"Look, you can't figure these things out the first time you see them. It doesn't mean you're stupid, you know. Here, let me see the reports. You got the original OFFENSE REPORT?"

Notification of OFFENSE REPORT
Osborne City - Howard County
Copy to Division

ACTION

OFFENSE REPORT

OFFENSE NO. 090732	DATE REPORTED Sept. 20, 1963	TIME REPORTED 8 p.m.	TAKEN BY J.P. Smith
DIVISION NO. J 10490-3	DATE REFERRED Sept. 20, 1963	TIME REFERRED 8:15 p.m.	TAKEN BY J.D. Graham
ORIGIN OF REPORT Public Phone	NAME Wilbur Brown	ADDRESS 1302 Bret Harte Ave.	PHONE CL 4-5618

REPORT Call from Mr. W. Brown, janitor, Dickens Elem. School. Reported break-in through lavatory window, suspected juveniles involved. 8:15 called again. Four boys apprehended. School freezer broken into and some ice cream consumed. Cash box found and broken - usually contained about $4.00 in small change. Told to hold suspects until car arrives.	RELATED OFFENSE REPORTS

ACTION TAKEN

DIVISION	DATE Sept. 20, 1963	TIME 8:30 p.m.	TAKEN BY J. Fowler

SUSPECT	ADDRESS	PHONE	PROCESS REPORT NO.
Daniel Kain WMJ 9	31 Beech Street	CL 4-4001	J10490
Peter Anderson WMJ 11	502 Crane Ave.	CL 4-8932	J10491
Clyde Ayer WMJ 11	320 Mark Twain Ave.	CL 4-6301	J10492
George Feinstein WMJ 11	10 Pine Street	CL 4-5001	J10493

WITNESS	ADDRESS	PHONE	OCCUPATION
Wilbur Brown	1302 Bret Harte Ave.	CL 4-5618	School Janitor

REPORT Suspects admitted breaking and entering school. They all admit taking ice cream but only Ayer broke into cash box; others say Feinstein with him. $2.00 in small change found on Ayer and $2.50 in small change and a glass cutter on Feinstein. Boys were all playing on trampoline in school gymnasium when apprehended, no resistance.

DISPOSITION	DATE	TIME	MADE BY

"O.K., that's pretty clear. Now, let's take a look at the kids. Juvenile work is not quite like adult work. You can't make a decision solely on the offense. You have to look at other things, like the past history and the family and the youngster."

"Danny Kain? Is he the youngest?"

"Yes."

"I seem to remember his name. Small kid, with blue eyes? Yes, we've seen him before."

"Here are the reports on him and here is his record. I suppose you want it too?"

CITATION
NOTICE TO APPEAR
TRAFFIC CITATION

☐ Del. to Juv. Div.
Juv. Hall/OR & R
☑ Station
Interrogation
☐ Field

JUVENILE CONTACT REPORT
Osborne City Police Department

RECORDS

NAME Danny Kain	
ADDRESS 31 Beach Street	PHONE c 14-4001

DATE OF BIRTH	STATE	SEX	RACE	AGE	HEIGHT	WEIGHT	EYES	HAIR	COMPL
27/10/53	Cal	M	W	9	4'	75	Bl	Br	Fair

DRESS, SCARS, ETC. none

SCHOOL	GRADE	DATE OF CONTACT	TIME	PLACE OF CONTACT	CODE SECTION
Dickens El Sch	3	20 Dec. 62		Dickens El. Sch.	211 PC

REASON FOR CONTACT Stole Candy from child at School	REFERENCE NUMBERS (FILES)
DETAILS OF CONTACT Patrolman broke up fight - boy Kain was fighting & subject stole his Candy - No Action	
NAME OF ARRESTING OFFICERS (OR CITIZENS) K.D. Atherton	BADGE NUMBERS (OR ADDRESSES) #127

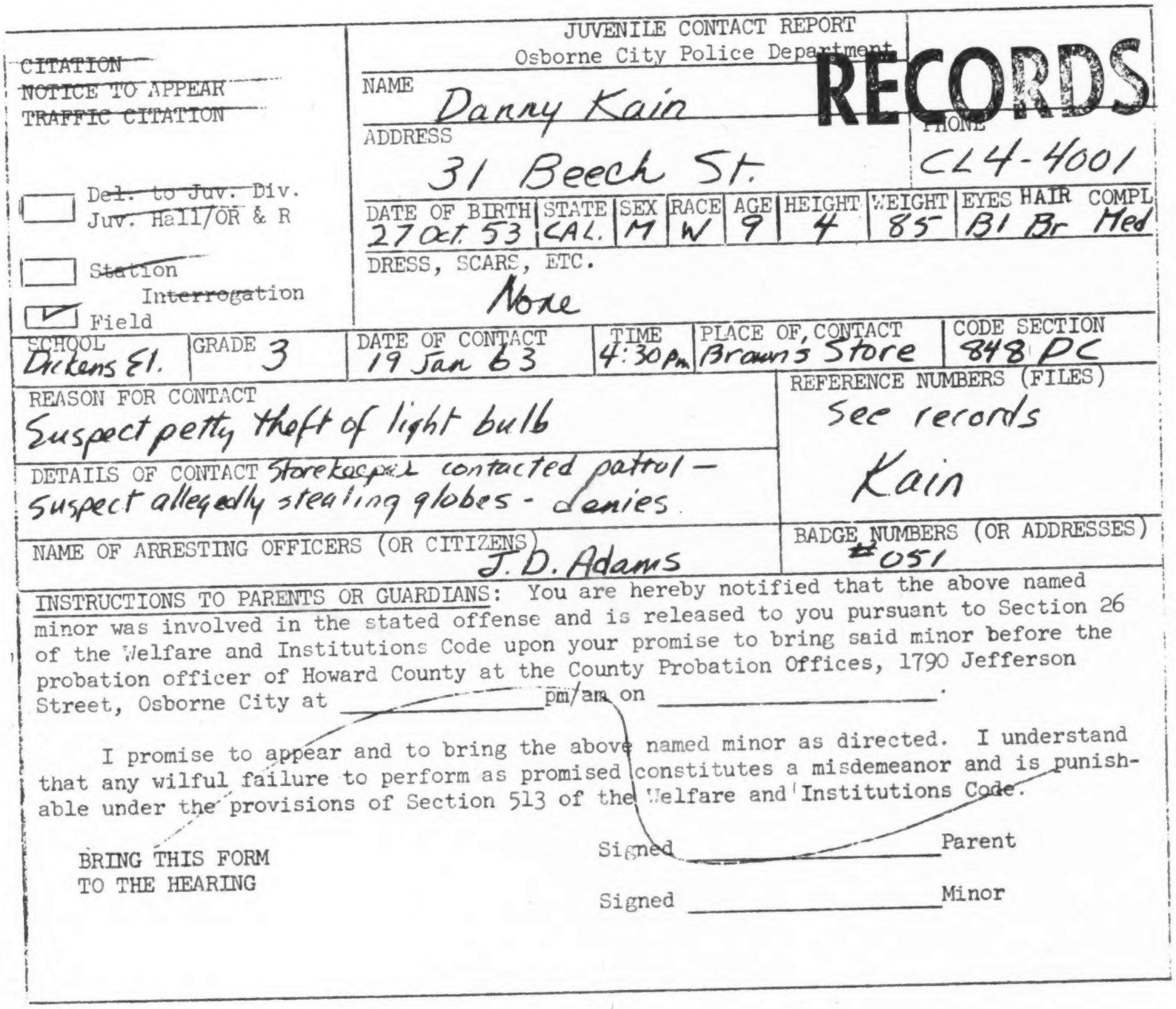
INSTRUCTIONS TO PARENTS OR GUARDIANS: You are hereby notified that the above named minor was involved in the stated offense and is released to you pursuant to Section 26 of the Welfare and Institutions Code upon your promise to bring said minor before the probation officer of Howard County at the County Probation Offices, 1790 Jefferson Street, Osborne City at ______________pm/am on ____________________

I promise to appear and to bring the above named minor as directed. I understand that any wilful failure to perform as promised constitutes a misdemeanor and is punishable under the provisions of Section 513 of the Welfare and Institutions Code.

BRING THIS FORM
TO THE HEARING

Signed ____________________Parent

Signed ____________________Minor



~~CITATION~~
~~NOTICE TO APPEAR~~
~~TRAFFIC CITATION~~

☐ ~~Del. to Juv.~~ Div.
Juv. ~~Hall~~/OR & R

☐ ~~Station~~
~~Interrogation~~
☑ Field

JUVENILE CONTACT REPORT
Osborne City Police Department

RECORDS

NAME Danny Kain									
ADDRESS 31 Beech St.							PHONE CL4-4001		
DATE OF BIRTH 27 Oct. 53	STATE CAL.	SEX M	RACE W	AGE 9	HEIGHT 4	WEIGHT 85	EYES Bl	HAIR Br	COMPL Med

DRESS, SCARS, ETC. None

SCHOOL Dickens El.	GRADE 3	DATE OF CONTACT 19 Jan 63	TIME 4:30 Pm	PLACE OF CONTACT Brown's Store	CODE SECTION 848 PC

REASON FOR CONTACT Suspect petty theft of light bulb

DETAILS OF CONTACT Storekeeper contacted patrol — suspect allegedly stealing globes - denies

REFERENCE NUMBERS (FILES) See records Kain

NAME OF ARRESTING OFFICERS (OR CITIZENS) J.D. Adams

BADGE NUMBERS (OR ADDRESSES) #051

INSTRUCTIONS TO PARENTS OR GUARDIANS: You are hereby notified that the above named minor was involved in the stated offense and is released to you pursuant to Section 26 of the Welfare and Institutions Code upon your promise to bring said minor before the probation officer of Howard County at the County Probation Offices, 1790 Jefferson Street, Osborne City at ______________ pm/am on ____________________.

I promise to appear and to bring the above named minor as directed. I understand that any wilful failure to perform as promised constitutes a misdemeanor and is punishable under the provisions of Section 513 of the Welfare and Institutions Code.

BRING THIS FORM
TO THE HEARING

Signed ____________________ Parent

Signed ____________________ Minor

CITATION
NOTICE TO APPEAR
TRAFFIC CITATION

☑ Del. to Juv. Div.
Juv. Hall/OR & R

☐ Station
Interrogation

☐ Field

JUVENILE CONTACT REPORT
Osborne City Police Department

HU11UIV

NAME Danny Kain

ADDRESS 31 Beech Street

PHONE CL 4-4001

DATE OF BIRTH	STATE	SEX	RACE	AGE	HEIGHT	WEIGHT	EYES	HAIR	COMPL
27 Oct 57	CAL	M	W	9	4'2"	85	BL	Br	Med

DRESS, SCARS, ETC. None

SCHOOL	GRADE	DATE OF CONTACT	TIME	PLACE OF CONTACT	CODE SECTION
Dickens EL	4	20 Oct 63	8:30 P	Dickens El.	459 PC

REASON FOR CONTACT School break-in – Dickens Elementary

DETAILS OF CONTACT broke into Dickens Elem w/ 3 other boys - Money - ice cream stolen

REFERENCE NUMBERS (FILES) J 10490-3 See records Kain

NAME OF ARRESTING OFFICERS (OR CITIZENS) William Brown, janitor, Dickens Jack fowler

BADGE NUMBERS (OR ADDRESSES) 302 Bird Haike Ave #042

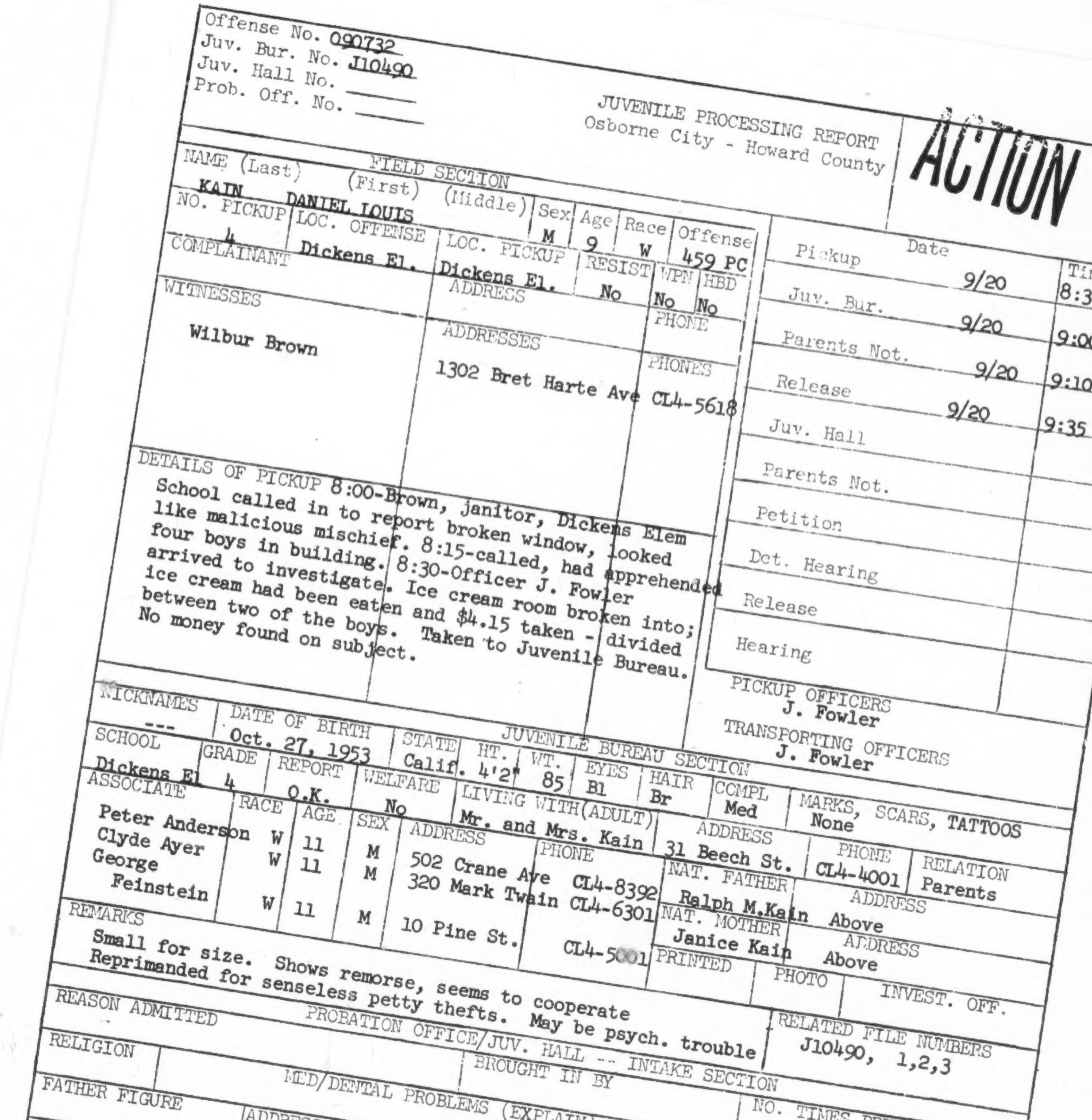
INSTRUCTIONS TO PARENTS OR GUARDIANS: You are hereby notified that the above named minor was involved in the stated offense and is released to you pursuant to Section 26 of the Welfare and Institutions Code upon your promise to bring said minor before the probation officer of Howard County at the County Probation Offices, 1790 Jefferson Street, Osborne City at __________ pm/am on ______________.

I promise to appear and to bring the above named minor as directed. I understand that any wilful failure to perform as promised constitutes a misdemeanor and is punishable under the provisions of Section 513 of the Welfare and Institutions Code.

BRING THIS FORM
TO THE HEARING

Signed ______________ Parent

Signed ______________ Minor



Offense No. 090732
Juv. Bur. No. J10490
Juv. Hall No. ______
Prob. Off. No. ______

JUVENILE PROCESSING REPORT
Osborne City - Howard County

ACTION

FIELD SECTION

NAME (Last) **KAIN**	(First) **DANIEL LOUIS**	(Middle)	Sex **M**	Age **9**	Race **W**	Offense **459 PC**
NO. PICKUP **4**	LOC. OFFENSE **Dickens El.**	LOC. PICKUP **Dickens El.**	RESIST **No**	WPN **No**	HBD **No**	
COMPLAINANT	ADDRESS	PHONE				
WITNESSES **Wilbur Brown**	ADDRESSES **1302 Bret Harte Ave**	PHONES **CL4-5618**				

	Date	Ti
Pickup	9/20	8:3
Juv. Bur.	9/20	9:0
Parents Not.	9/20	9:10
Release	9/20	9:35
Juv. Hall		
Parents Not.		
Petition		
Det. Hearing		
Release		
Hearing		

DETAILS OF PICKUP **8:00-Brown, janitor, Dickens Elem School called in to report broken window, looked like malicious mischief. 8:15-called, had apprehended four boys in building. 8:30-Officer J. Fowler arrived to investigate. Ice cream room broken into; ice cream had been eaten and $4.15 taken - divided between two of the boys. Taken to Juvenile Bureau. No money found on subject.**

PICKUP OFFICERS
J. Fowler

TRANSPORTING OFFICERS
J. Fowler

JUVENILE BUREAU SECTION

NICKNAMES **---**	DATE OF BIRTH **Oct. 27, 1953**	STATE **Calif.**	HT. **4'2"**	WT. **85**	EYES **Bl**	HAIR **Br**	COMPL **Med**	MARKS, SCARS, TATTOOS **None**
SCHOOL **Dickens El**	GRADE **4**	REPORT **O.K.**	WELFARE **No**	LIVING WITH(ADULT) **Mr. and Mrs. Kain**	ADDRESS **31 Beech St.**	PHONE **CL4-4001**	RELATION **Parents**	

ASSOCIATE	RACE	AGE	SEX	ADDRESS	PHONE
Peter Anderson	**W**	**11**	**M**	**502 Crane Ave**	**CL4-8392**
Clyde Ayer	**W**	**11**	**M**	**320 Mark Twain**	**CL4-6301**
George Feinstein	**W**	**11**	**M**	**10 Pine St.**	**CL4-5001**

NAT. FATHER **Ralph M.Kain** ADDRESS **Above**
NAT. MOTHER **Janice Kain** ADDRESS **Above**

PRINTED | PHOTO | INVEST. OFF.

REMARKS
Small for size. Shows remorse, seems to cooperate
Reprimanded for senseless petty thefts. May be psych. trouble

RELATED FILE NUMBERS
J10490, 1,2,3

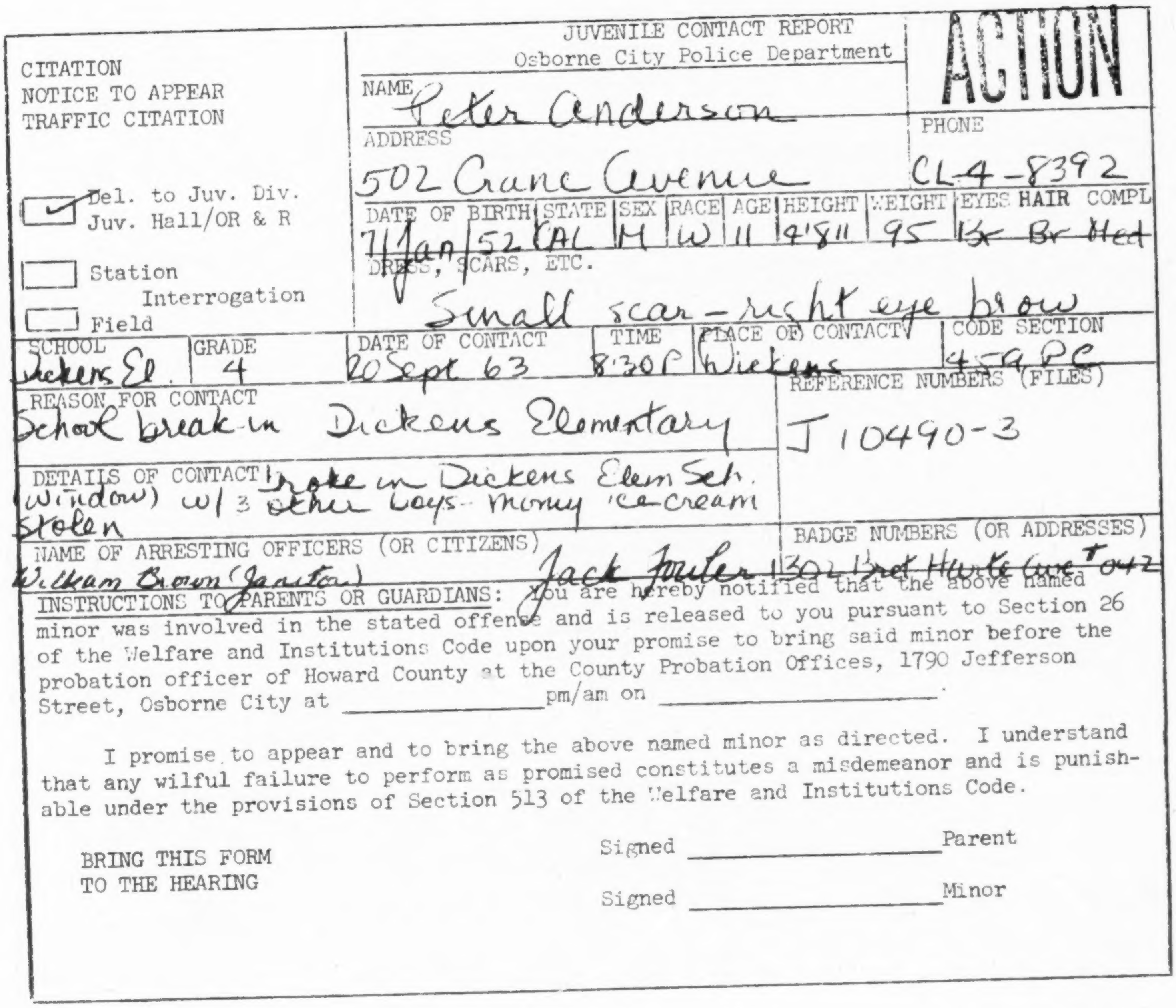
PROBATION OFFICE/JUV. HALL -- INTAKE SECTION

REASON ADMITTED
BROUGHT IN BY
RELIGION
MED/DENTAL PROBLEMS (EXPLAIN)
NO. TIMES PREV. DETAINED
FATHER FIGURE | ADDRESS
MOTHER FIGURE | ADDRESS | PHONE
REMARKS
CUSTODIAN (IF OTHER) | ADDRESS | PHONE
STEPFATHER | PHONE
STEPMOTHER
NO. OF SIBLINGS M ( ) F ( )

262-350 O-67—9

"Yeah, he's been here before. Theft. But see, we didn't do much because he was so young. But this is the third and he's running with older boys. I think we ought to send him to probation. There might be something more serious here and they can deal with him better than we can. I suggest you cite him to appear. Be sure to have his parents sign the bottom of the CONTACT REPORT when they come in. Make it up for a citation.

"Now, what about Anderson? I think he's new to us."



CITATION
NOTICE TO APPEAR
TRAFFIC CITATION

JUVENILE CONTACT REPORT
Osborne City Police Department

ACTION

NAME Peter Anderson

ADDRESS 502 Crane Avenue

PHONE CL-4-8392

☑ Del. to Juv. Div. Juv. Hall/OR & R

☐ Station Interrogation

☐ Field

DATE OF BIRTH	STATE	SEX	RACE	AGE	HEIGHT	WEIGHT	EYES	HAIR	COMPL
7 Jan 52	CAL	M	W	11	4'8"	95	Bl	Br	Med

DRESS, SCARS, ETC. Small scar - right eye brow

SCHOOL	GRADE	DATE OF CONTACT	TIME	PLACE OF CONTACT	CODE SECTION
ickens El.	4	20 Sept 63	8:30 P	Dickens	459 PC

REASON FOR CONTACT School break-in Dickens Elementary

REFERENCE NUMBERS (FILES) J 10490-3

DETAILS OF CONTACT Broke in Dickens Elem Sch. (window) w/3 other boys - money ice cream stolen

NAME OF ARRESTING OFFICERS (OR CITIZENS) William Brown (Janitor) Jack Fowler

BADGE NUMBERS (OR ADDRESSES) 1302 Bret Harte Ave 042

INSTRUCTIONS TO PARENTS OR GUARDIANS: You are hereby notified that the above named minor was involved in the stated offense and is released to you pursuant to Section 26 of the Welfare and Institutions Code upon your promise to bring said minor before the probation officer of Howard County at the County Probation Offices, 1790 Jefferson Street, Osborne City at ______________ pm/am on ____________________.

I promise to appear and to bring the above named minor as directed. I understand that any wilful failure to perform as promised constitutes a misdemeanor and is punishable under the provisions of Section 513 of the Welfare and Institutions Code.

BRING THIS FORM
TO THE HEARING

Signed ____________________ Parent

Signed ____________________ Minor

Offense No. 090732
Juv. Bur. No. J10491
Juv. Hall No. ______
Prob. Off. No. ______

JUVENILE PROCESSING REPORT
Osborne City - Howard County

ACTION

FIELD SECTION

NAME (Last) (First) (Middle)		Sex	Age	Race	Offense
Anderson Peter James		M	11	W	PC459

NO. PICKUP	LOC. OFFENSE	LOC. PICKUP	RESIST	WPN	HBD
4	Dickens El.	Dickens El.	No	No	

COMPLAINANT	ADDRESS	PHONE
WITNESSES	ADDRESSES	PHONES
W. Brown	1302 Bret Harte Ave.	CL4-5618

DETAILS OF PICKUP 8:00 Janitor called to report broken window -- poss. mal. mischief. 8:15: apprehended 4 boys in school. 8:30: Officer Fowler investigated -- school freezer broken into and also cash box -- about $4.00 missing. No money found on subject. Taken to Juvenile Bureau.

	Date	Time
Pickup	9/20	8:30
Juv. Bur.	9/20	9:00
Parents Not.	9/20	9:10
Release	9/20	9:55
Juv. Hall		
Parents Not.		
Petition		
Det. Hearing		
Release		
Hearing		

PICKUP OFFICERS
J. Fowler
TRANSPORTING OFFICERS
J. Fowler

JUVENILE BUREAU SECTION

NICKNAMES	DATE OF BIRTH	STATE	HT.	WT.	EYES	HAIR	COMPL	MARKS, SCARS, TATTOOS
	Jan. 7, 1952	Calif.	4'8"	95	Br.	Br.	Med.	scar bet. eyebrows

SCHOOL	GRADE	REPORT	WELFARE	LIVING WITH (ADULT)	ADDRESS	PHONE	RELATION
Dickens El.	4	D ave.	No	Mother & stepfather	502 Crane Ave.	CL4-8392	

ASSOCIATE	RACE	AGE	SEX	ADDRESS	PHONE
Daniel Kain	W	9	M	31 Beech St.	CL4-4001
Clyde Ayer	W	11	M	320 Mark Twain	CL4-6301
George Feinstein	W	11	M	10 Pine St.	CL4-5001

NAT. FATHER	ADDRESS
Dead	
NAT. MOTHER	ADDRESS
Mrs. J. McCarthy	502 Crane Avenue

PRINTED	PHOTO	INVEST. OFF.
No	No	Sgt. Keats

REMARKS
Seems impressed by seriousness of offense. Parents anxious to cooperate. No previous record.

RELATED FILE NUMBERS
J10490, 1,2,3

PROBATION OFFICE/JUV. HALL -- INTAKE SECTION

REASON ADMITTED	BROUGHT IN BY	NO. TIMES PREV. DETAINED
RELIGION	MED/DENTAL PROBLEMS (EXPLAIN)	

FATHER FIGURE	ADDRESS	PHONE	REMARKS
MOTHER FIGURE	ADDRESS	PHONE	
CUSTODIAN (IF OTHER)	ADDRESS	PHONE	
STEPFATHER	STEPMOTHER		
NO. OF SIBLINGS M ( ) F ( )			

"Well, this boy hasn't been in trouble before and he doesn't seem to have been involved with the cash box. He does have poor grades and that's usually a bad sign. Did he strike you as particularly dumb?"

"No, not really. He was very cooperative and seemed genuinely sorry."

"Well, I don't see any point in taking him into Juvenile Hall. Cite him to appear on Wednesday at the Probation Department."

* * * * *

"The other two boys are Clyde Ayer and George Feinstein. They seem to be the leaders. We found the money on them and Feinstein had a glass-cutter."

"Clyde is an old friend of ours. If you look, you'll see he's been here before. In fact, he's probably still on probation."

"No, not quite--he's just finished six months' informal."

JUVENILE CONTACT REPORT
Osborne City Police Department

RECORDS

CITATION
NOTICE TO APPEAR
TRAFFIC CITATION

☑ Del. to Juv. Div.
Juv. Hall/OR & R

☐ Station
Interrogation
☐ Field

NAME Clyde Ayer

ADDRESS 320 Mark Twain

PHONE CL 4-6301

DATE OF BIRTH	STATE	SEX	RACE	AGE	HEIGHT	WEIGHT	EYES	HAIR	COMPL
April 52	Wyo	M	W	10	4'7"	90	Bl	Br	Fr

DRESS, SCARS, ETC. None

SCHOOL	GRADE	DATE OF CONTACT	TIME	PLACE OF CONTACT	CODE SECTION
Dickens El	4	29 Mar	6:30P	Home	459 PC

REASON FOR CONTACT Burglary of neighbor's house

REFERENCE NUMBERS (FILES)

DETAILS OF CONTACT 6:30 P Mrs. Hammond complained of suspect leaving house by rear window — house searched — nothing taken

NAME OF ARRESTING OFFICERS (OR CITIZENS) PM Middleton

BADGE NUMBERS (OR ADDRESSES) #097

INSTRUCTIONS TO PARENTS OR GUARDIANS: You are hereby notified that the above named minor was involved in the stated offense and is released to you pursuant to Section 26 of the Welfare and Institutions Code upon your promise to bring said minor before the probation officer of Howard County at the County Probation Offices, 1790 Jefferson Street, Osborne City at ______________pm/am on ____________________

I promise to appear and to bring the above named minor as directed. I understand that any wilful failure to perform as promised constitutes a misdemeanor and is punishable under the provisions of Section 513 of the Welfare and Institutions Code.

BRING THIS FORM
TO THE HEARING

Signed P U Ayer Parent

Signed Clyde Ayer Minor

Offense No. 081253
Juv. Bur. No. J9337
Juv. Hall No.
Prob. Off. No. 993/3

JUVENILE PROCESSING REPORT
Osborne City - Howard County

RECORDS

FIELD SECTION

NAME (Last) (First) (Middle) Ayer Clyde Roger			Sex M	Age 11	Race W	Offense 459P
NO. PICKUP 1	LOC. OFFENSE 50 Lime St.	LOC. PICKUP home	RESIST No	WPN No	HBD --	

COMPLAINANT	ADDRESS	PHONE
WITNESSES D. Ceistanz	ADDRESSES 50 Lime St.	PHONES CL4-6001

DETAILS OF PICKUP
Complainant called PD at 6 p.m. Reported she had seen suspect leaving back of home - checked, found window opened - kitchen searched and money missing from jar on shelf - $5 approximately. Identified suspect - Officer Waystaff sent out to pick up suspect.

	Date	Time
Pickup	4/12/63	7:30 pm
Juv. Bur.	4/12/63	8:05
Parents Not.	4/12	7:30
Release	4/12	8:45
Juv. Hall		
Parents Not.		
Petition	4/20/63	9:00
Det. Hearing		
Release		
Hearing	4/25/63	9:00

PICKUP OFFICERS
P. G. Waystaff
TRANSPORTING OFFICERS

JUVENILE BUREAU SECTION

NICKNAMES ---	DATE OF BIRTH April 7, 1952	STATE Wyom.	HT. 4'7"	WT. 90	EYES Bl.	HAIR Fr.	COMPL Fr.	MARKS, SCARS, TATTOOS None

SCHOOL Dickens	GRADE El 4	REPORT B aver.	WELFARE No	LIVING WITH(ADULT) Parents	ADDRESS 320 Mark Twain	PHONE CL4-6301	RELATION

ASSOCIATE	RACE	AGE	SEX	ADDRESS	PHONE
None					

NAT. FATHER R.M. Ayer	ADDRESS 320 Mark Twain Ave.
NAT. MOTHER G. Ayer	ADDRESS Same

PRINTED no	PHOTO yes	INVEST. OFF. P.G. Waystaff

REMARKS
Helpful but not impressed by seriousness, one prior - burglary. Parents middle class - concerned

RELATED FILE NUMBERS

PROBATION OFFICE/JUV. HALL -- INTAKE SECTION

REASON ADMITTED	BROUGHT IN BY	NO. TIMES PREV. DETAINED

RELIGION Baptist	MED/DENTAL PROBLEMS (EXPLAIN) No examination

FATHER FIGURE Father	ADDRESS see above	PHONE
MOTHER FIGURE Mother	ADDRESS see above	PHONE
CUSTODIAN (IF OTHER)	ADDRESS	PHONE
STEPFATHER	STEPMOTHER	

NO. OF SIBLINGS
M ( ) F ( ) ages 2 and 7

REMARKS
Parents very concerned for reputation - money minded - home supervision poor but could be improved - family needs shake up. Petition filed.
6 months probation w/o wardship

CITATION
NOTICE TO APPEAR
TRAFFIC CITATION

☑ Del. to Juv. Div.
Juv. Hall/OR & R

☐ Station
Interrogation
☐ Field

JUVENILE CONTACT REPORT
Osborne City Police Department

ACTION

NAME Clyde Roger Ayer

ADDRESS 320 Mark Twain Ave

PHONE CL-4-6301

DATE OF BIRTH	STATE	SEX	RACE	AGE	HEIGHT	WEIGHT	EYES	HAIR	COMPL
7 April 52	Wyo	M	W	11	4'8"	95	Bl	Fr	Fr

DRESS, SCARS, ETC. none

SCHOOL	GRADE	DATE OF CONTACT	TIME	PLACE OF CONTACT	CODE SECTION
Dickens El	5	20 Sept 63	8:30P	Dickens El	459 PC

REASON FOR CONTACT School break-in - Dickens Elementary

REFERENCE NUMBERS (FILES) J 10490-3

DETAILS OF CONTACT broke into Dickens Elem w/3 other boys - $4 cash + ice cream stolen

NAME OF ARRESTING OFFICERS (OR CITIZENS) William Brown J. A. Fowler

BADGE NUMBERS (OR ADDRESSES) 1302 Bret Harte Ave #042

INSTRUCTIONS TO PARENTS OR GUARDIANS: You are hereby notified that the above named minor was involved in the stated offense and is released to you pursuant to Section 26 of the Welfare and Institutions Code upon your promise to bring said minor before the probation officer of Howard County at the County Probation Offices, 1790 Jefferson Street, Osborne City at ____________ pm/am on _______________.

I promise to appear and to bring the above named minor as directed. I understand that any wilful failure to perform as promised constitutes a misdemeanor and is punishable under the provisions of Section 513 of the Welfare and Institutions Code.

BRING THIS FORM
TO THE HEARING

Signed ________________ Parent

Signed ________________ Minor

Offense No. 090732
Juv. Bur. No. J10492
Juv. Hall No. ______
Prob. Off. No. ______

JUVENILE PROCESSING REPORT
Osborne City - Howard County

ACTION

	Date	Time	
Pickup	9/20	8:30 pm	JF
Juv. Bur.	9/20	9:00	MK
Parents Not.	9/20	9:15	MK
Release			
Juv. Hall			
Parents Not.			
Petition			
Det. Hearing			
Release			
Hearing			

PICKUP OFFICERS
J.A. Fowler
TRANSPORTING OFFICERS
J.A. Fowler

FIELD SECTION

NAME (Last) (First) (Middle)	Sex	Age	Race	Offense
AYER Clyde Roger	M	11	W	P459

NO. PICKUP	LOC. OFFENSE	LOC. PICKUP	RESIST	WPN	HBD
4	Dickens El	Dickens El	No	No	--

COMPLAINANT	ADDRESS	PHONE

WITNESSES	ADDRESSES	PHONES
W. Brown	1302 Bret Harte Ave.	CL4-5618

DETAILS OF PICKUP
8:00 Janitor called - reported school break-in - 4 culprits caught - School freezer broken and some food gone (ice cream) - Cash box broken - about $4.00 missing. Boy admits taking money - $2.50 found on him.

JUVENILE BUREAU SECTION

NICKNAMES	DATE OF BIRTH	STATE	HT.	WT.	EYES	HAIR	COMPL	MARKS, SCARS, TATTOOS
Rog	April 7, 1952	Wyo	4'8"	95	Bl	Fr	Fr	None

SCHOOL	GRADE	REPORT	WELFARE	LIVING WITH(ADULT)	ADDRESS	PHONE	RELATION
Dickens El	5	B aver	No	Mr. and Mrs. Ayer	Below	CL4-6301	Parents

ASSOCIATE	RACE	AGE	SEX	ADDRESS	PHONE
Daniel Kain	W	9	M	31 Beech St.	CL4-4001
Peter Anderson	W	11	M	502 Crane Ave	CL4-8392
George Feinstein	W	11	M	10 Pine St.	CL4-5001

NAT. FATHER	ADDRESS
R.M. Ayer	320 Mark Twain Ave

NAT. MOTHER	ADDRESS
G. Ayer	Same

PRINTED	PHOTO	INVEST. OFF.
No	Yes	J.A. Fowler

REMARKS 2 previous offenses - not sorry - parents very disturbed - may have been leader

RELATED FILE NUMBERS
J 9337
J 10490 1,2,3

PROBATION OFFICE/JUV. HALL -- INTAKE SECTION

REASON ADMITTED	BROUGHT IN BY	NO. TIMES PREV. DETAINED

RELIGION

MED/DENTAL PROBLEMS (EXPLAIN)

FATHER FIGURE	ADDRESS	PHONE
MOTHER FIGURE	ADDRESS	PHONE
CUSTODIAN (IF OTHER)	ADDRESS	PHONE

STEPFATHER

STEPMOTHER

NO. OF SIBLINGS
M ( ) F ( )

REMARKS

"I don't think there's anything we can do with Ayer but take him to Juvenile Hall. He's a danger to property and he ought to be detained. O'Rourke will be going there at 10 tonight. Have him take the kid."

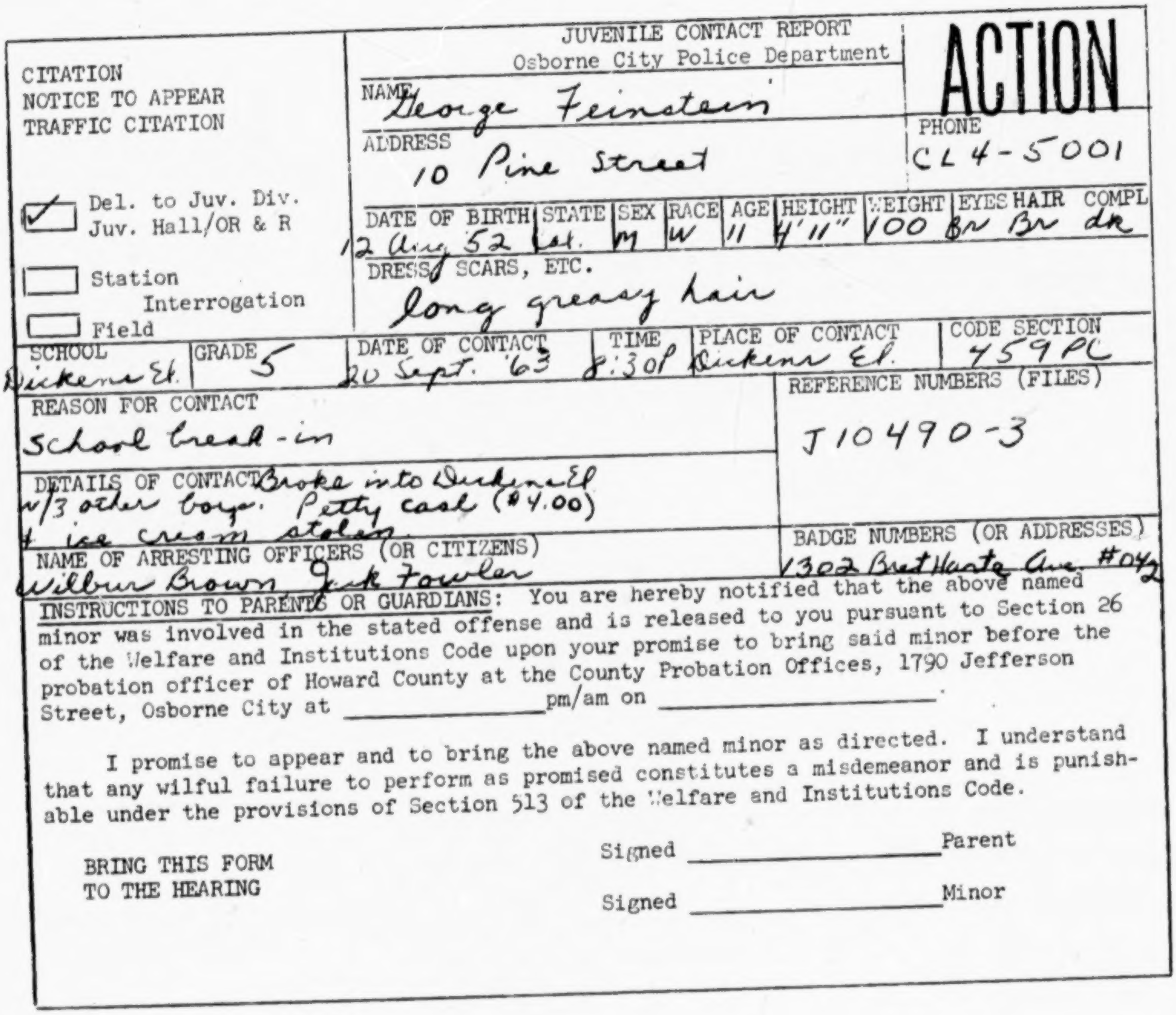
"This last kid, Feinstein, is a problem. There's no record on him but he did have a glass cutter in his pocket, and he won't say ten words. I found this on him."

The officer produced a newspaper clipping about a school break-in at another local school in which four juveniles took part. They had fled before being recognized.

"That's interesting," said the Sergeant, "Quite often you'll find these kids carrying newspaper clippings on their exploits with them. What abcut his parents?"

"They're both dead. He's on a county foster placement."

"Well, see what they have to say. I think we'll be sending him to Juvenile Hall anyway. He's a danger."



JUVENILE CONTACT REPORT
Osborne City Police Department

ACTION

CITATION
NOTICE TO APPEAR
TRAFFIC CITATION

☑ Del. to Juv. Div. Juv. Hall/OR & R

☐ Station Interrogation

☐ Field

NAME George Feinstein

ADDRESS 10 Pine Street

PHONE CL4-5001

DATE OF BIRTH	STATE	SEX	RACE	AGE	HEIGHT	WEIGHT	EYES	HAIR	COMPL
12 Aug 52	Cal.	M	W	11	4'11"	100	Br	Br	dk

DRESS, SCARS, ETC. long greasy hair

SCHOOL	GRADE	DATE OF CONTACT	TIME	PLACE OF CONTACT	CODE SECTION
Dickens El.	5	20 Sept. '63	8:30p	Dickens El.	459PC

REASON FOR CONTACT School break-in

REFERENCE NUMBERS (FILES) J10490-3

DETAILS OF CONTACT Broke into Dickens El w/3 other boys. Petty cash ($4.00) + ice cream stolen.

NAME OF ARRESTING OFFICERS (OR CITIZENS) Wilbur Brown Jack Fowler

BADGE NUMBERS (OR ADDRESSES) 1302 Bret Harte Ave. #042

INSTRUCTIONS TO PARENTS OR GUARDIANS: You are hereby notified that the above named minor was involved in the stated offense and is released to you pursuant to Section 26 of the Welfare and Institutions Code upon your promise to bring said minor before the probation officer of Howard County at the County Probation Offices, 1790 Jefferson Street, Osborne City at ______________ pm/am on ____________________.

I promise to appear and to bring the above named minor as directed. I understand that any wilful failure to perform as promised constitutes a misdemeanor and is punishable under the provisions of Section 513 of the Welfare and Institutions Code.

BRING THIS FORM
TO THE HEARING

Signed ____________________ Parent

Signed ____________________ Minor

Offense No. 090732
Juv. Bur. No. J10493
Juv. Hall No. ______
Prob. Off. No. ______

JUVENILE PROCESSING REPORT
Osborne City - Howard County

ACTION

FIELD SECTION

NAME (Last) (First) (Middle)	Sex	Age	Race	Offense
FEINSTEIN, GEORGE -	M	11	W	P459

NO. PICKUP	LOC. OFFENSE	LOC. PICKUP	RESIST	WPN	HBD
4	Dickens El	Dickens El	No	No	-

COMPLAINANT	ADDRESS	PHONE
-------------	------------	----

WITNESSES	ADDRESSES	PHONES
W. Brown	1302 Bret Harte Ave.	CL4-5618

DETAILS OF PICKUP
8:00 - Janitor called - reported school break-in 4 culprits apprehended. Freezer broken into and some ice cream bars gone. Cash box found broken - approximately $4.00 missing. Officer Fowler called. Boy admits nothing. $2.00 found on him and a glass cutter.

	Date	Time
Pickup	9/20	8:30 J
Juv. Bur.	9/20	9:00 J
Parents Not.	not located	
Release		
Juv. Hall		
Parents Not.		
Petition		
Det. Hearing		
Release		
Hearing		

PICKUP OFFICERS
J.A. Fowler

TRANSPORTING OFFICERS
J.A. Fowler

JUVENILE BUREAU SECTION

NICKNAMES	DATE OF BIRTH	STATE	HT.	WT.	EYES	HAIR	COMPL	MARKS, SCARS, TATTOOS
----	Aug. 12,1952	Calif.	4'11"	101	Br.	lt. Br.	Dark	None

SCHOOL	GRADE	REPORT	WELFARE	LIVING WITH(ADULT)	ADDRESS	PHONE	RELATION
Dickens El	5	C Aver.	Yes	Mr. and Mrs. Schwartz	10 Pine St.	CL4-5001	Foster parents

ASSOCIATE	RACE	AGE	SEX	ADDRESS	PHONE
Clyde Ayer	W	11	M	320 Mark Twain	CL4-6301
Daniel Kain	W	9	M	31 Beech St.	CL4-4001
Peter Anderson	W	11	M	502 Crane St.	CL4-8392

NAT. FATHER	ADDRESS
Dead	

NAT. MOTHER	ADDRESS
Dead	

PRINTED	PHOTO	INVEST. OFF.

REMARKS Uncooperative. Foster parents apparently cannot control. May have been in prior school break-in with Anderson and 3 others.

RELATED FILE NUMBERS
J 10490 1,2

PROBATION OFFICE/JUV. HALL -- INTAKE SECTION

REASON ADMITTED	BROUGHT IN BY	NO. TIMES PREV. DETAINED

RELIGION	MED/DENTAL PROBLEMS (EXPLAIN)

FATHER FIGURE	ADDRESS	PHONE

MOTHER FIGURE	ADDRESS	PHONE

CUSTODIAN (IF OTHER)	ADDRESS	PHONE

STEPFATHER	STEPMOTHER

NO. OF SIBLINGS
M ( ) F ( )

REMARKS

"Well, that's that. Cite the youngest and Anderson to appear at the probation office on Wednesday. Make sure the parents and the minors sign the promise to appear on the bottom of the CONTACT REPORT--and have O'Rourke take the other two to Juvenile Hall when he goes later this evening."

"So that means:

Kain and Anderson, cited to appear at Probation Dept.;

Ayer and Feinstein, delivered to Juvenile Hall."

DISCUSSION

Case II concerns four young boys who broke into a school. Although the reports show the Penal Code section for burglary, it is not certain whether they formed the intent to steal before or after entering the school. In an adult court this would be an issue. Since juvenile court action will be taken under Section 602 of the Welfare and Institutions Code, this problem does not really arise. The report does, however, assume a very important role when it becomes a matter of the child's record.

Schools are frequently targets for youngsters' extracurricular activities. Boys often enter or break into and destroy property of schools from which they have just been graduated. This may be only a way of releasing pent-up hostility, but it is more probable that they choose their old school because they know all the ins and outs and think they are less likely to be caught. In this case, some of the juveniles knew about the broken window and the lock on the freezer.

When children break into schools, the articles they take usually betray their age. Things of market value are left behind and small and apparently useless objects are stolen. Cash, of course, is a prize.

The majority of offenses by juveniles are referred to the police by the public through the usual channels, but a good many complaints come from school vice-principals and deans, school janitors, and also from probation (on a follow-up) and the welfare agencies.

Although the boys in this case were younger than those in the first case, the dispositions were very different, mainly because of differences in records but partly because of the nature of the offense. The information given in this case was probably too scanty to serve as a basis for a good decision. You should always seeks as many facts as possible about juveniles and their histories. Sometimes, however, it is impossible to learn more than the bare outline, and it then becomes very difficult to make decisions which you are sure are right. Burglary and breaking and entering are both serious offenses because they constitute a threat to property and hence to the public's peace of mind. From the point of view of society, it does not matter whether the perpetrator is an adult or a juvenile; the effect of the crime is the same.

Danny Kain was only nine years old, a little young to be involved in serious criminal activities. Nevertheless, he had a record, although stealing a light bulb is unusual rather than serious. But he was also hanging around with older boys, at least one of whom had a record. He may not have realized the seriousness of the position he had gotten himself into, but he certainly was not able to get out of it by himself. As the Processing Report stated, there "may be psych trouble." This is not a professional opinion; it merely shows the officer's attempt to record all pertinent information, including his reaction to the boy. Since the boy was not an immediate danger to himself or to others, the disposition made was probably the most sensible--a citation to appear at the Probation Department.

The second boy, Peter Anderson, had no record but he was older. The offense was serious and there was one other fact which points to trouble--he had poor school grades. This is often a bad sign, especially if the grades indicate under-achievement. The disposition in his case--citation--was also probably a sensible one. Anderson's participation in the offense may have been caused by the pressure exerted by the peer group.

As for Clyde Ayer, his is a different story. He was reprimanded and released in March, 1963, for breaking into a neighbor's house, and just two weeks later he was given six months' informal probation for a similar offense and the theft of $5.00. He may have been the leader in the school break-in. He appeared to be a danger to property and this was the reason for detention.

The last boy, George Feinstein, was a more difficult problem. Although he had no record, he was uncooperative; this sort of behavior is likely to influence an officer unfavorably towards a boy.

Beware of your own feelings in these matters. The child may be reacting to things which are beyond your control or his. On the other hand, he may not be. The question of the disposition of Feinstein was probably settled by finding the newspaper clipping in his pocket. Youths involved in offenses frequently have such mementos. In one case, a policeman was playing with a game he had taken from a boy who had just been placed in a holding room when a fellow officer recognized the toy as one which had been stolen earlier.

The glass cutter found on Feinstein merited some attention but not too much. He was possibly carrying it more to "look big" than for criminal purposes since the boys entered the school through a window which they knew to be open, and therefore did not need a glass cutter.

The dispositions recommended in this case show clearly what should be taken into account in making decisions: crime, age, record, attitude, school history, suspicious circumstances, and possessions. Whenever you decide to deliver a child to Juvenile Hall, make sure that your reasons for doing so are clearly stated.

When in doubt, ask probation for guidance. It is not a sign of incompetence to ask for help. Never be too proud to realize your limitations. Within your department there will be many who have had experience in different fields. Ask for their help. You will soon learn to know those who have the answers and those who always answer even when they don't know. If you doubt a piece of advice, ask someone else. The way to learn is to ask, ask, ask, but remember that there is some danger in the categorical assumption that supervisors or senior officers ipso facto are more disposed to employ wisdom or to be capable of making sounder judgements.

Now let us take a closer look at some points in the case. Of the four boys involved in the offense, Ayer and Feinstein seem to have been the leaders. They had the money and Ayer had a record for burglary. He came from an apparently "normal" family, whereas Feinstein, who had no official record with the Osborne City Police Department, came from a foster home. Feinstein also had a glass cutter. Was Ayer the likely leader, or was Feinstein? Perhaps there was no leader at all. When dealing with certain groups of offenders, it can be a mistake to look for a leader-follower relationship, for it seldom exists in groups which are only loosely associated. Boys of this age make or break friendships with great rapidity, and it is almost impossible to discern a pattern of associates. Action can be generated spontaneously and it may never be clear as to who suggests what. You may be certain of one thing. The parents of a delinquent boy, if they are given an opportunity, will say of their child, "He's not a bad boy really; it's just that he's been getting into the company of those other children and they lead him on."

For a discussion of the organization and leadership of groups and gangs, see the study by Peter Scott, pages 136-142.

Take a closer look at George Feinstein's case. Do you think delivery to Juvenile Hall was the best decision, or could his foster parents have taken him home on a citation?

* * * * *

There is one small mistake on the third Contact Report for Danny Kain. In writing the date of the offense, the officer's eye was caught by the "Oct" of the line above. It is an easy mistake to make. We made it. It is also the sort of mistake which is hard to correct once reports have been filed.

From Peter Scott, "Gangs and Delinquent Groups in London," The British Journal of Delinquency, Vol. VII, No.1 (July 1956) pp. 8-20. Reprinted by permission.

INTRODUCTION

Probation officers have often raised the question of the importance of organized groups in the lives of juveniles. Most of us can see the loose network of associations which the adolescent appears to be involved in, yet these loose associations are a long way from the highly differentiated gangs prevalent in the larger eastern cities. Scott suggests a continuum of adolescent groupings which helps to situate the social dimensions of juvenile misbehavior.

"LONDON GROUPS"

"From experience with juvenile delinquents over a period of ten years in juvenile courts, remand homes, psychiatric clinics, a residential school and a boys' club, some ideas have been gathered about the sort of groups in which these young people commit offences. Essentially the classification is into three: adolescent street groups, structured gangs, and loosely structured (diffuse) groups....

"ADOLESCENT STREET GROUPS"

". . . all adolescents do not belong to the sort of groups described here, and the groups vary considerably one from another. Many youths, however, typically between 14 and 18 years of age, gather in the evenings and at week-ends into loosely structured street-groups, of about five to thirty members, perhaps mixed in sex or, more likely, with girls occasionally tolerated . . . . 'Foremost' among the purposes of such groups are self-display and mutual support in the difficult business of extricating themselves from an uncomfortably close emotional dependence at home, into a self-determined existence . . . They gain a sense of security from contiguity in the group rather than from real confluence. Their very number seems to protect them from the necessity of making close relationships (especially with girls) for which they are not ready . . . . The majority of such street-groups are quite innocuous and, indeed, perhaps necessary and useful . . . .

"The more severely disturbed adolescents (those who emerge from the home with marked resentfulness as well as with underlying feelings of inadequacy) are likely to congregate in separate groups whose members may actively seek opportunities of boosting their tender self-regard and of expressing their aggressiveness . . . . Occasionally one or two individuals may break away from the group to commit offences, but planned crime, as opposed to group rowdyism, is very exceptional. There may be one or, not unusually, more than one, nominal leader, but he or they will have little or no responsibility and their presence or absence scarcely makes any difference to the activity of the group . . . . There is little loyalty, no firm control or persistence of membership, never a den, and no secret activities . . . . On the other hand, there is usually a territory, some sense of 'we-ness', and a considerable degree of opposition to conventional standards . . . .

"GANGS PROPER"

"In view of the consistency of the literature, it is surprising that delinquent gangs with a leader, definite membership, persistence in time, a den, initiation procedure, and criminal objectives, are so unusual . . . . .it can be determined by a process of exclusion that true delinquent gang-members comparatively rarely come before the juvenile courts . . . .

"Gang-members who come before the courts usually have a gross antisocial character defect and come from homes in which the emotional atmosphere has been obviously disturbed and detrimental . . . .

"Firm leadership . . . is an absolute necessity for a proper gang . . . . Thrasher says that 'gang leaders hold sway like barons of old . . .', and Healy that 'a boy may initiate dozens of others especially if he has experience in courts and correctional schools'. . . .

"The delinquent gangs . . . of the writer's experience are quite different from those of Thrasher. The leader rarely 'holds sway' (except in the occasional 8- or 9-year-old groups) over more than three henchmen, and Healy's process of initiation is more common in the unstructured groups and is not only carried out by a leader. The aloofness and tension of the leader is appreciable, . . .and the frequently gross accompanying antisocial character defect seems to obliterate the sense of guilt . . . . The leaders are certainly boys of relatively superior intelligence, much less commonly of superior physique. It is noticeable, however, that a state of gross insecurity, with long-standing behaviour and conduct disorders, does not necessarily incapacitate them from leadership, though it does invariably mean that the followers will be even more handicapped in one way or another . . . . It is a regular finding that even the most determined and successful leader of a delinquent gang can only manage to dominate those who are relatively handicapped . . . .

"FLEETING, CASUAL DELINQUENT ASSOCIATIONS"

"The boys in these groups are often between 10 and 13, and tend to be physically immature for their age, excitable and overactive. The predisposition to delinquency must be considerable before a boy would join with a relative stranger in delinquency, and such associations are not common. These groups shade imperceptibly into the other unstructured, much commoner, delinquent groups . . . .

"Sometimes a boy will be carried along through a casual contact with a little group of more determined or experienced delinquents, so that one delinquent escapade can have very different meanings for various members of the group . . . .

"GROUPS OF FRIENDS AND SIBLINGS"

"Most groups offences are committed in the company of friends or of siblings, whose usual activities are not delinquent. The delinquency may be primarily a matter of opportunity but in most cases predisposition is high. There is a leader but, if delinquency occurs, the initiative and direction may not have been taken by him. . . .membership is not controlled as it is in gangs and there are no initiation procedures or secret signs . . . . The members are often aware of having common difficulties at home and give the impression of trying to fend off unhappiness and a frankly antisocial existence, through mutual support, and shared legitimate activities . . . .

"LOOSE ANTISOCIAL GROUPS"

"These groups are composed of very antisocially inclined children or youths . . . . They are so unhappy and disturbed in relation to their homes and to society at large as to be careless of the consequences of their actions, often hoping to be removed from home, and regularly looking for or initiating delinquent openings in an indiscriminate and unplanned manner. They often appear to be bent on a headlong delinquent phase which is not interrupted by court appearance, so that even while on remand they may continue to offend . . . . In these groups the rôle of the leader means very little. A boy may be the follower in one offence in the morning and the leader of a different group in the afternoon . . . . Often it is the most excitable and poorly self-controlled individual who acts as catalyst to the group, yet afterwards, when the group is examined as a whole, that member shows little or no powers of leadership."

"STATISTICAL STUDY"

". . . A gang does most damage per offence, then in decreasing order a loose antisocial group, a usual companion group, a fleeting group, with solitary offenders last."

SUMMARY

A small pilot project conducted by the School of Criminology (using police and probation records from a Northern California county) shows that there is a tendency to define youngsters as lone-wolf offenders the farther they move along in the process of juvenile justice.

One-third of the offenders were defined by the probation department as solitary offenders. Of this group, half had been in the company of one or more boys when arrested. The remainder of the lone-wolf group had a history of delinquent acts committed while in groups. This is not to suggest that the solitary offender does not exist but that he constitutes only one small part of the juvenile delinquency problem.

Second Setting

The Probation Office, early morning; the new Probation Officer awaits the arrival of his supervisor to discuss new cases.

Characters

Herb Brownlow	Supervising Probation Officer
Peter Green	Probation Officer
Daniel Kain	Juvenile Offender
Peter Anderson	Juvenile Offender
Clyde Ayer	Juvenile Offender
George Feinstein	Juvenile Offender

Peter Green was new to the Howard County Probation Office. All morning he had been sweating out the cases of four boys who had broken into a school. He interviewed them and felt that he did that especially well, but he was less confident about the tentative court reports which he had written up. While waiting for Mr. Brownlow, his supervisor, he tried to arrange the cases in his mind so that he could impress Brownlow with his smooth efficiency and lightning dispatch.

"Hi, Green. Sorry to keep you waiting. Been tied up all morning with the Mayor's committee on . . ."

Peter shuffled quickly through his papers. "Nuts! Where are those social histories?"

". . . so I said that if that's what you want, you'll have to dig up a lot of money. Well, what do you have there?"

"It's a rather long thing, probably take an hour or so to go over. If you haven't eaten yet, I'll come back later."

"I've had lunch. Rarin' to go."

"Well, maybe we should look at the facts of the allegation. It's the same for all four kids. Be quicker than going all the way through each case one at a time."

CONCERNING: DANIEL LOUIS KAIN, born in Osborne City, California, on October 27, 1953 (age 9 years, 11 months)

31 Beech Street

Father: Ralph M. Kain, 31 Beech Street

Mother: Janice Kain, same

Daniel comes to Court upon a Notice to Appear.

REASON FOR HEARING:

Petition alleges burglary of Dickens Elementary School at Bret Harte and Devon on September 20, 1963.

Peter Anderson (WMJ 11 years)
Clyde Ayer (WMJ 11 years)
George Feinstein (WMJ 11 years)
all appear jointly.

FACTS CONCERNING ALLEGATION:

Mr. Wilbur Brown, janitor at Dickens Elementary School, reported to the police on Friday, September 20, 1963, that he had found a window in the boys' lavatory opened and that he suspected burglary. He searched the building and found that the freezer and a cash box used for petty cash in the kitchen had been broken into. At approximately 8:15 p.m., he apprehended four boys playing on the trampoline in the school gymnasium and called the police.

Officer Fowler responded to the call and took the four boys into custody. A search revealed that two of them had approximately $2.00 each in small change.

STATEMENT OF WITNESSES:

Mr. Wilbur Brown will testify that on September 20, 1963, in the course of his nightly tour of the school premises, he noticed that a window had been opened in the boys' lavatory. He suspected burglars and at approximately 8:00 p.m., he notified the city police. Thereafter he made a thorough inspection of the premises and discovered that the lock on the school freezer had been smashed and that there were several fresh ice cream wrappers on the floor. He also found a cash box which had been forced open. He will testify that the box usually contained about $4.00 in small change. At about 8:15, he went into the school gymnasium and discovered and apprehended four boys playing on the trampoline. He took the boys to his office, called the police, and held them until the arrival of Officer Fowler. He will identify Kain, Anderson, Ayer and Feinstein as the boys he apprehended.

Officer John A. Fowler will testify that at approximately 8:15 p.m. on September 20, 1963, he went to Dickens Elementary School in response to a call from the school janitor. There, in the janitor's office, he found Kain, Anderson, Ayer and Feinstein being held by the janitor. He talked to the boys for a short time, and then made an inspection of the boys' lavatory and the school kitchen to see what damage had been done. He took the boys into custody and then to the Juvenile Bureau at the Police Department.

He interviewed the boys. All except Feinstein were cooperative. He will testify that they admitted breaking into the school and taking the ice cream. They said that the lock on the freezer was already broken. Apparently only Ayer and Feinstein were involved in the cash box incident. A search of the juveniles showed that Ayer had $2.50 in small change and Feinstein had $2.50 and a glass-cutter.

* * * * *

The Minor's Statement follows the Statement of Witnesses in the Court Report on the offense (Part I). In this instance, the Reason for Hearing, Facts Concerning Allegation, Statement of Witnesses, and Recommendation Regarding Finding of Fact are the same for each boy; therefore, we have not repeated them.

* * * * *

MINOR'S STATEMENT:

PETER JAMES ANDERSON

Peter states that on September 20, 1963, he went out with Clyde Ayer and George Feinstein to play touch football in the school yard. On the way they met Danny Kain. When they got to the school, George Feinstein suggested that they should go into the the gymnasium to play on the trampoline. They entered through a broken window in the boys' toilet.

On the way to the gym they passed the kitchen, went in and opened the freezer, and took some ice cream. Peter says he knew the lock on the freezer was broken. He denies suggesting that they should help themselves to ice cream. Peter says he did not want to have anything to do with the cash.

MINOR'S STATEMENT:

CLYDE ROGER AYER

Clyde states that he, Peter Anderson and George Feinstein were going to the school to play ball in the yard when they met Danny Kain. When they reached the school, someone suggested that they should enter the school through a loose window in the boys' washroom and play on the trampoline. He states emphatically that it was not his idea.

After they entered the school, they went to the kitchen and stole some ice cream. They knew the lock on the freezer was broken because boys at school were always trying to steal ice cream from it.

He admits that they found a cash box and that he and George Feinstein broke it open and shared the money between them. He says that he thinks there was about $4.00 in all. He has cooperated closely with the probation officer.

MINOR'S STATEMENT:

GEORGE FEINSTEIN

George Feinstein states that he, Peter Anderson, Danny Kain and Clyde Ayer were playing in the yard of Dickens Elementary School when they decided to enter the school to look around. He declined to state what happened after the group entered the building, although he says he does not care what happens to him for "taking what I did."

MINOR'S STATEMENT:

DANIEL LOUIS KAIN

Daniel admits the offense alleged but denies breaking into the cash box. The boy states that he went out after dinner and met the other three boys. One of them suggested that they should go to the school and play on the trampoline. He said he knew a way in through a window in the boys' lavatory.

Once in the school, they had to go past the kitchen. Someone suggested that they should get some ice cream from the freezer. He knew the lock was broken. All the boys went in and ate ice cream.

Then Clyde Ayer and George Feinstein found the cash box. The other two boys did not want to break it open, but Clyde and George did open it and divided the money between them. They then went to the gym and played on the trampoline until the janitor found them. He took them to his office and called the police. An officer came and took them to the police station where they answered more questions. After this, his parents came and took him home.

RECOMMENDATION REGARDING FINDING OF FACT:

It is respectfully recommended that the Court find the allegations of the petition to be true as alleged.

"Well, it doesn't look like Kain should go to court. He's pretty young, and he didn't play much of a part in the whole thing."

"That's what I thought, too. And his parents want to do what they can."

"Good. Let's see the social history. Oh yes, Pete, you don't need all this stuff on his statement. Just a note of the offense and the fact that he admits it, if you're not taking him to court. What are you doing there?"

"Here it is. I thought I'd mislaid something."

PREVIOUS HISTORY:

Daniel admits having had two previous contacts with the police department. On January 19, 1963, he was interviewed after a storekeeper had alleged that he had stolen an electric light bulb. On December 20, 1962, he was interviewed after an officer had broken up a fight between him and another boy. The other boy alleged that Daniel had stolen his candy. No action was taken in either case.

THE FAMILY:

Daniel lives with his natural parents. He is a "good boy" at home, but his parents say he does not have enough to occupy him in the evenings.

They live in a well-kept five-room home. Daniel and his brother share a bedroom. The family has lived at its present address for about a year and previously lived in Blomville, Howard County.

Mr. Kain, an auto mechanic at the Hopper Garage at Faulkner Avenue and Dorset Street, Osborne City, has an average monthly income of $550.00. Mrs. Kain works part-time in Dewey's Hardware store on Hawthorne Avenue, Osborne City, and has an average monthly income of $175.00. Their younger son, Jerry, eight years old, is in the third grade at Dickens Elementary School, Osborne City.

Mrs. Kain has noticed more difficulty in handling the boy since the family moved to Osborne City. She thinks the boy probably misses his uncle, who lives in Blomville, and who was very close to Daniel, taking him on several weekend fishing trips. Mr. Kain takes some interest in the boy, but his work requires him to be away from home several evenings a week. After Daniel's last encounter with the police, Mr. Kain gave up some of his overtime to spend time with his sons. Mr. and Mrs. Kain feel they need help with the boy.

THE MINOR:

Daniel is small for his age; his younger brother, Jerry, is as tall as he is. For the last 18 months, Daniel has been associating with a group of boys much older than he. His physical health is good, and he has no serious emotional troubles. He says that his parents are "O.K." to him but he hates Osborne City and wants to go back to Blomville. "It's not the same here like it was at home." Daniel has no hobbies.

Daniel's response to the offense has been one of remorse. He knows he did wrong, and he has cooperated closely in every way.

SCHOOL REPORT:

Dickens Elementary School:	Grade 4
Attendance:	Good--one absence for illness
Behavior:	Fair
Scholarship:	C average
IQ.:	97 (S-B)

The school reports that Daniel's behavior and scholarship have been getting worse during the course of the year. He is helpful at times but can be very disobedient. At school he is in the company of older boys most of the time.

OTHER AGENCY CONTACTS:

No other agency has a record of contact with the boy or the family.

EVALUATION

Daniel appears to be emotionally upset by the move to Osborne City from Blomville. He may also be troubled somewhat by his lack of size. He appears to have been a follower in the offense. The family is willing to cooperate in any help the department can give.

"No, I don't think it would be wise to make a big thing of this. Do you think the parents could afford private psychiatric treatment for him?"

"I don't know. They both work, so they have pretty good money coming in. They have a lot of debts. They just bought their house. There's a mortgage, and a houseful of furniture on time. I guess I should have put that in?"

"Yes. Otherwise the whole report is O.K. A little long. You don't need all that minor's statement and witness statement in this case. Are the statements very different in the other cases?"

"No--except that they all have a different story of their own part in it."

"And I'd certainly like to know more about his family, and how the kid spends his time, and what he thinks about the kids he runs around with. Otherwise . . . How long did you spend with him?"

"About half an hour."

"Uh-huh. Well, you ought to spend more time with these younger kids. I'd like to know more about this business with the light bulb. Yes, I think he should visit the clinic, and have some supervision, too. Let's make it this:

RECOMMENDATION:

Six months informal probation, appointment at the clinic."

"Maybe I ought to go back and try to brush up the others."

"That's all right, Pete. I'd just as soon get through them now. Let's see Anderson next."

"The allegation is the same. And here's the history."

CONCERNING: PETER JAMES ANDERSON, born Osborne City, California,
on January 7, 1952, (age 11 years, 8 months),
502 Crane Ave.
Father: James P. Anderson (Deceased)
Mother: Jesselyn McCarthy, 502 Crane Ave.
Stepfather: Everett B. McCarthy, same

Peter comes to Court upon a Notice to Appear.

ADDITIONAL MISCONDUCT:

Peter Anderson states he, Clyde Ayer, George Feinstein, and another boy broke into O'Neill Junior High School earlier this month. They were looking for money but found nothing. The police have no report on this incident. The school admits there was an attempt at an illegal entry on September 3rd, but no report was made to the police as there was no damage and nothing was stolen.

PREVIOUS HISTORY:

There is no official record on this minor.

THE FAMILY:

Peter is the youngest of three children living with their stepfather and natural mother, Everett (age 50) and Jesselyn (age 42) McCarthy of 502 Crane Ave., Osborne City, California. Peter has two older brothers, Roger Anderson (age 16) and David Anderson (age 20). Neither brother has a criminal record. The McCarthys have a comfortable seven-room, middle-class home.

Mrs. McCarthy is a registered nurse, but has not worked since her remarriage in 1959. Mr. McCarthy, a cake decorator, has been employed by a large supermarket in Osborne City for the last nineteen years. He has a monthly wage of $650.00.

Peter's mother states that the boy appears jealous and finds it difficult to share her affection with his stepfather. His asthma attacks occur when he becomes enraged at her attentions to the stepfather. Mr. McCarthy, whom she calls "a quiet and industrious man," is hurt by Peter's behavior and finds it impossible to ally himself with the boy.

The mother and stepfather have what they call a "fine relationship" with Peter's older brothers based on common interests - boating, fishing, camping, and religion (all the family are active Mormons).

The family denies knowledge of Peter's previous burglary, and is anxious to help straighten him out.

THE MINOR:

Peter is a gregarious, active eleven-year-old, healthy except for asthma. His asthma attacks began about three years ago, in 1959, soon after his mother married his stepfather, Everett McCarthy.

After his natural father's death, when Peter was three, the three boys and their mother lived for five years in a small apartment on the west side of Osborne City. During these years Peter was the center of the family's attention.

Peter claims that everything has always gone right for him and sees no reason to try to be different. He attributes his D average in school to "just not caring." The only thing that worries him is his asthma which he believes is caused by poor diet.

Peter seems impressed by the seriousness of his offenses and says he committed them out of curiosity and a desire for excitement.

SCHOOL REPORT:

Dickens Elementary School

Grade: 4

Attendance: Good--except for periodic absences because of his asthma.

Scholarship: Barely passing; D-average; held back, grade 3 (1961-1962) (Repeated).

IQ.: 121

Behavior: Poor

Peter is a bit unruly in school, talking out of turn and acting up frequently. He is capable of doing the work but he is not interested in his classes.

OTHER AGENCY CONTACTS:

No other agency has a record of contact with the boy.

EVALUATION:

Much of the evidence points to the fact that Peter is what the layman would call "a spoiled, youngest child." He has always been and hopes to continue to be the center of everyone's attention. He is a clown in his class at school and appears to enjoy his classmates' laughter at and attention to his antics. He has many friends and is popular with other students on a superficial "he's a clown" level. His teacher, Miss Davidson, noticed that Peter strives for attention especially when others in the class have said or done something worthwhile or interesting.

Very probably he offered the spark of excitement needed to motivate the group to commit the burglary. His family is willing and anxious to help, but Peter seems to need some structuring of his life by a person outside the immediate family.

"It looks as if this boy is upset by his mother's remarriage. His previous offense isn't very serious. I think that if we help a little the family will be able to cope with him."

"Yes. His asthma probably represents a pretty severe tension."

"Maybe. But the main thing with my asthma is that it makes it hard to breath. Make sure he gets advice on that. Get in touch with the supervising deputy about it.

> RECOMMENDATION:
>
> It is respectfully recommended that Peter James Anderson be placed on probation for a period of six months without being adjudged a ward of the court."

"There's more, I suppose."

"Yes, Clyde Ayer is the next one."

CONCERNING: CLYDE ROGER AYER, born in San Diego, California,
on April 7, 1952 (age 11 years, 5 months),
320 Mark Twain Ave.
Father: Ronald M. Ayer, 320 Mark Twain Ave.
Mother: Genevieve Ayer, same

Clyde comes to Court after release to parents upon a Notice to Appear at Detention Hearing.

PREVIOUS HISTORY:

Two prior burglaries--neighbors' homes. Just completed six months' probation imposed by the court, but without wardship.

THE FAMILY:

Clyde Ayer lives with his natural parents and two sisters at 320 Mark Twain Ave., Osborne City. His mother and father, Ronald M. and Genevieve Ayer, are real estate brokers for John Regan Realty in Osborne City. Their combined gross income is $1,200.00 per month. Clyde has two sisters, Jean (age 3) and Ann (age 7), both of whom are bright and healthy. None of the family has a criminal record.

For most of their lives the Ayer children have been cared for by a maid-nurse during the day and sometimes in the evening. The Ayers are successful business people and have found it necessary to be away from their children some of the time. But outside of business hours the family spends all its time together traveling, reading, and enjoying music. The parents state that Clyde's present troubles may be a reaction to a perceived rejection. All members of the family play instruments, sing, or dance. Mr. and Mrs. Ayer are both Phi Beta Kappa graduates of Boston University. Both are eager to help Clyde work out the present situation but feel he is just going through a "stage."

THE MINOR:

Clyde Ayer is an intelligent and pleasant boy of eleven. He is in the best of health and says that he cannot remember when he was last sick. He is not impressed by the seriousness of his present offense or of the two earlier burglaries of neighbors' homes. He says that he should not have committed the acts, but cannot see how such "trivial" activities could affect his family or his future. He claims that it was just chance that he was caught, and that many and more serious offenses are committed by juveniles, especially in the dock section of Osborne City.

Clyde states that he is bored with his family, friends and school and that he is not able to become interested in anyone or anything. Although he goes to school because it is the "thing to do" and because his parents want him to be a doctor, Clyde says that school is only a way of spending time and has little else to offer him. He feels that he loses face with his classmates when he exerts more effort in school, although he states these "friends" are not close to him. In his words, he feels that he is "always alone and bored." At this time he wishes to be left alone to work things our for himself.

SCHOOL REPORT:

Dickens Elementary School

Grade:	5
Scholarship:	B-average
Attendance:	Excellent
IQ.:	130 (S-B)

Clyde is a good student in all of his subjects; he says he wants to be a doctor. He is quiet and studious.

PSYCHOLOGICAL REPORT:

Clyde Ayer is well adjusted at home and in school. His social deviations have been three burglaries attempted as a means of escaping boredom. Clyde is a quiet, introspective boy who is thoughtful and sincere about what he thinks is important in his life. He does not believe his offenses are significant, although he agrees they are wrong. In a sense, he may be accepting his educated and successful parents' belief that one should not have free, nonproductive time on one's hands. It was when Clyde was alone and bored that he committed the three offenses.

He can do much better than his present B-average, but he is afraid he will lose face with his friends if he is too successful in school. His delinquent activities are certainly incongruent with his family background and aspirations.

Clyde stated that he met just twice with his probation officer when he was on probation without wardship because "We had nothing to talk about and we both knew what we had to do." His probation officer referred to Clyde as an ideal probationer: "Clyde is just a boy who needs something to do and someone to listen to him." This remark does not explain why the two met only twice.

JUVENILE HALL OBSERVATION:

Clyde Ayer was amiable and cooperative during his stay at Juvenile Hall. He was accepted by the other boys of his age, most of whom regarded him as an intelligent boy though afraid to have a little fun.

OTHER AGENCY CONTACT:

No other agency had a record of contact with this boy.

EVALUATION:

Clyde Ayer is capable of a normal, productive life. He realizes that his actions in the three burglaries were wrong and serious, but he does not take the situation itself seriously. The fact that he does not may lay the ground for future delinquencies. The boy needs an understanding and firm adult to assist him in restructuring his life in terms of productivity and motivation. It is difficult to say whether his parents can help him do this.

"We tried to get a detention order on this one, because of the previous offenses, but the judge wouldn't consider it."

"Why not?"

"He thought the kid was too young. At the hearing his parents swore they'd make sure he stayed out of trouble. I guess the judge thought he'd be just as safe at home."

"I suppose so. But he doesn't see how serious his offenses really are. His parents have a pretty mechanical view of life which they impose on the boy. I think they expect too much of him. It seems to me he could use some firm supervision and understanding.

"O.K. Why don't we recommend probation with wardship and see what the judge says. His family wants to help, but I don't think they can do it very well alone."

"Let's put:

> RECOMMENDATION:
>
> It is respectfully recommended that Clyde Roger Ayer be declared a ward of the court and be placed under the care and supervision of the probation officer."

"Is that it?"

"No, here's the last one, George Feinstein. He's a difficult case."

CONCERNING: GEORGE FEINSTEIN, born Arroyo Grande, California,
on August 12, 1952, (age 11 years, 1 month),
10 Pine St.
Foster Father: Jerome Schwartz, 10 Pine St.
Foster Mother: Eunice Schwartz, same
Natural Parents: Deceased 1958

George comes to Court from Juvenile Hall where he has been detained since Friday, September 20, 1963.

Detention Hearing held Monday, September 23, 1963.

PREVIOUS HISTORY:

Has no previous record.

THE FAMILY:

In January, 1959, George was placed in his foster home by the Howard County Welfare Department. His foster parents are Mr. and Mrs. Jerome Schwartz of 10 Pine St., Osborne City. The Schwartzes state that they have never been able "to get through to George, let alone control him." Neither foster parent has filed a complaint.

Mr. Schwartz is a school teacher at Rivault High School; his wife is a housewife. They have no children of their own. The family income is $650.00 gross per month. Although the Schwartzes claim to keep track of George's whereabouts and activities, they had no knowledge of his offense, his companions, or his problems in school. The couple could not be found on the night of the present arrest.

George's natural parents and two older brothers were killed in an automobile accident when he was six years old. His foster parents say that George has never mentioned his family since he was placed in their home three months after the accident.

THE MINOR:

George is a strong, healthy boy. Just turned eleven, he weighs about 100 pounds and is almost five feet tall. Far from his physical fitness is his mental and emotional development (see Psychological Report).

He does not want to talk to anyone about anything. He states that he really doesn't care what happens to him and says flatly that he will say nothing about his present offense except that he entered the school building. He says he wants to cause his foster parents as little trouble as possible, but he also says that "They wouldn't care anyway since all he (his foster father) is interested in is science." George does little at his foster home but watch television and play with his pets (two dogs, three cats, and a bird).

JUVENILE HALL OBSERVATION:

George spent most of his time at the Hall lying on his bed. Twice he went to meals but ate very little. He was evasive whenever he was approached by staff members, saying not much more than, "I don't know," in reply to their questions and comments.

SCHOOL REPORT:

Dickens Elementary School

Grade: 5

Scholarship: C-average

Attendance: Average (George is late in the morning and after lunch)

IQ.: 106

Behavior: Poor, uncooperative

The school report states that George puts very little effort into his studies and that he does not attempt to get along and cooperate with the rest of his class. He says very little in class and usually plays by himself during recess. He goes away from the school grounds at noon. Teachers reported that George was popular among his peers whenever he brought things to school that were of interest to the other boys, e.g., firecrackers, snakes, and a variety of games.

PSYCHOLOGICAL REPORT:

There is little doubt that George is acutely emotionally disturbed and this disturbance was precipitated by the untimely death of his family. There is some indication that he was very attached to his father and two older brothers, whose loss was never compensated for by his foster parents, especially his "scientific" foster father. On superficial observation, George is believed to be devoid of emotion and not really a part of what going on around him. He appears terribly unhappy. He is detached and cautious in his relations with others, and gives the impression that he is openly antagonistic, uncooperative, and negativistic. He certainly needs professional care, with or without the assistance of his foster parents.

OTHER AGENCY CONTACT:

George **Feinstein** was placed in his present foster home by the Howard County Welfare Department in January, 1959.

EVALUATION:

George is a boy in need of professional help. A psychologist or psychiatrist should determine whether his present behavior is the result of his psychological maladjustment and to what extent he is in need of correctional action.

The foster parents' apparent disinterest in George leads one to believe that they are more concerned with the welfare funds than with the boy himself.

"Yeah, this boy is more difficult than the others. There's something here a lot more serious than the offense. He needs friendship and more understanding than he's getting, I think. I'd like to know more about this foster home he's in. There's not enough here. Can they control him or can't they? Do you have anything else on that?"

"No, I don't."

"Well, it looks from this as if they're just housing him. Probably for the money. I think wardship and placement in another foster home or a private institution are indicated. He didn't respond well in Juvenile Hall, so another foster home might be the best. Let's get some psychiatric advice and get him into treatment. Make it a condition that he goes to the clinic."

RECOMMENDATION:

It is respectfully recommended that George Feinstein be declared a ward of the court and that he be placed in a county foster home or private institution, and that provision be made for him to obtain psychiatric examination and help.

"I'm afraid I don't have time for any more, Green."

"That's all of it, Mr. Brownlow."

"O.K. Let's have these reports completed for Court on Friday."

"There's one other thing, Mr. Brownlow. The boys' statements differ a little from one another. And I'm not sure what to do about it."

"How do you mean?"

Green took a neatly typed page from his notes with a renewed sense of confidence. "Well, they all agree that they met in the schoolyard by chance. They all knew that the window was broken. Anderson says that Feinstein suggested entering the school, but no one else says that. It seems to have been common knowledge that the freezer was broken and if you compare the statements it looks like Anderson suggested taking the ice cream. There's not much doubt that Feinstein found the cash box and opened it, and that Ayer was with him. Well what do you think?"

"I think we should let the judge figure this out. Just make sure in the Minor's Statements paragraph that you have down what the boy told you."

"Yeah, I will. Let's see now, that's Kain, six months' informal, he won't go to court. Anderson, six months' without wardship. Ayer, wardship and probation. Feinstein, wardship and placement."

"Since they're coming up before Judge Tamburlano, I think he'll go along with these suggestions. But you'd better be ready to answer his questions because he'll have some."

"I will, Mr. Brownlow. Sorry these weren't quite in shape."

"Not a bad job at all, Pete. For a new man."

DISCUSSION

This case is a good example of the trouble boys get into when they are at loose ends. The group collected almost by chance, and the action was spontaneous, apparently for "kicks". The minors' statements show that only Clyde Ayer and George Feinstein were responsible for breaking into the cash box. As for breaking into the school, eating the ice cream and playing on the trampoline, these things happened but were not planned. The boys' action was made easier, and perhaps more natural, by their familiarity with the school. They knew which windows were broken, they knew that the lock on the freezer was broken, and apparently they also knew where the cash box was kept.

Loose groupings of juveniles are very common, especially at this age, and in areas where the population is mobile. The "gang" mentioned in all the classical literature on delinquency is found primarily on the East Coast and in the Midwest. Gangs are rare on the West Coast, particularly in the Northwest. Juveniles tend to gather, instead, in a fluid series of loose associations which the police find difficult to handle. In one case, 20 break-ins were reported to the police at different times. All were carried out in the same way, and the police suspected that a gang of juveniles was at work. As a matter of fact, each break-in had been committed by different groups of two or three children, but in each group there was one child who had been a member of an earlier group. Children A, B and C broke into a building one night; children C, D and E broke into a second building the next night, and children D, E and F broke into a third building on the third night. Although the same group of children was never involved in more than one offense, many children took part in several offenses.

Groupings and group action of this sort present some problems. For example, in Case II it was difficult to make an accurate assessment of each separate member of the group. If the probation officer had interviewed as a group the boys who entered the school, he probably would have had a much clearer idea of what actually happened as well as the extent and nature of each boy's involvement. As it turned out, probation passed on to the judge an investigative function which it might well have performed.

We made a study which shows that boys apprehended as a group often appear separately as individuals when the case goes to court. The administrative process between initial custody and adjudication takes into account (in the juvenile's interest) so many factors that the exact degree of a boy's involvement in the group offense may be overlooked.

The petitions in all four cases alleged burglary, but burglary was never really established by the evidence since the intent to commit theft was probably not formed until the boys were inside the school. The petitions were, in fact, drawn up incorrectly. They should have alleged that ". . . is a minor and that he comes within the provisions of Section 602 of the California Welfare and Institutions Code in that on September 20, 1963, he did enter . . . ."

Daniel Kain and Peter Anderson came to court upon a Notice to Appear, issued by the probation officer after he interviewed them and decided to take court action. Clyde Ayer was originally detained in Juvenile Hall but was released at his detention hearing since he did not come under any of the detention provisions of the juvenile court law. Upon his release he was also given a Notice to Appear which instructed him to come to court for his hearing. Only George Feinstein was detained in Juvenile Hall to await his court appearance, not because of the seriousness of the offense but because his foster parents said they could not control him and would not have him at home. These are the reasons for the differential treatment.

Daniel Kain had had two previous contacts with the police department, one for the theft of an electric light bulb and for stealing candy from a schoolmate. Stealing candy is the more usual sort of thing, and it is generally handled by the school officials. Danny was rather small for his age, but he tried to compensate for this by hanging around with older boys. (You will recall that he was 9 years old, whereas the other three boys were 11). He probably had to "act big" in order to gain acceptance among his peers. Even at this age, the influence of the peer group can have a marked effect upon a juvenile, and the older he grows the greater the influence becomes.

The pressure of the peer group upon juveniles of 16 and upwards is frequently strong enough to overcome ties with the sustaining family. But parents of a child of 14 or 15 will often complain to you that the child is beyond control, never at home, uninterested in doing things with the family. When such children get in trouble, the probation officer finds that the insights offered by family case studies are useful but limited. He must also be able to understand the peer group, the child's place, needs and function in the group and the demands it makes on him. The training of probation officers in the future must emphasize this increasingly.

In all the reports, you should give careful attention to information gathered from the school, although our admonition about its possible unreliability is worth repeating. We also want to point out again the necessity of good relationships with local school people, for the school can be a valuable source of help. The school sees the boy in social situations, and can report upon his normal behavior, his level of achievement, and his special problems, as well as his I.Q. and his scholarship. Absenteeism may indicate some problems. Many troubled children, especially young ones, visit the school nurse frequently.

In the case of Peter Anderson, the boy was troubled by his relationship to his stepfather, and his asthma may have been a psychosomatic illness. It was intensified by his mother's attention to his stepfather. However, such symptoms are not necessarily psychological, a fact that should be mentioned to the supervising deputy if a boy is put on probation. It is a valuable piece of information and the more the deputy knows about it the better.

Clyde Ayer's case was slightly more difficult since he was deeply involved in the theft of the money from the cash box. His family was relatively well off, and his parents did everything in their power to provide materially for their children although they seem to have neglected their emotional needs. The children's lives were regulated along almost mechanical lines. A nurse looked after them during the week. Outside of business hours, the family spent all its time together traveling, reading, and listening to music. The parents had high expectations for their only son, Clyde, whose mind was keen enough to enable him to fulfill them. The interesting thing about this boy was his tactical approach to his activities.

Sociologists have found that juveniles generally are either "insiders" or "outsiders." The insiders are the nucleus of the delinquent subculture. When deciding whether or not to break a law, outsiders will think in moral terms: is it right or wrong; will it harm or not? The insider tends to look at the situation in tactical terms: what are the chances of being caught; what is the likely gain? These attitudes are deeply ingrained. But because of the way in which the peer system serves to "educate" boys, those who belong to the insider group and who use the

See "The Swinging Set", pp. 180-190.

tactical approach know the answers they are expected to give when they are questioned by persons who represent conventional views of society. This is probably their basic defense. Thus you will sometimes meet a boy who says he knows a thing is wrong but who does not really believe it to be wrong--he knows what answer is required of him. When he is with his friends, though, he will consider only the errors which resulted in his failure.

Ayer could not really see why the crime he committed was serious since many more serious crimes went undetected in the dock section of Osborne City. When you find that a juvenile ignores the seriousness of his action and is not remorseful or even mildly sorry, try to see it from his point of view and from the point of view of the group in which he actually lives. This does not mean that you should encourage the views of the group; it simply means that you cannot understand the boy or his action unless you know the context in which he and it are meaningful.

Clyde stated that he met with his probation officer only twice when he was on probation without wardship. "We had nothing to talk about and we both knew what we had to do." The probation officer called Clyde an ideal probationer: "Clyde is just a boy who needs something to do and someone to listen to him." Do you think that his former probation officer was right in his view?

Lastly, we come to the case of George Feinstein. He gave the arresting officer some trouble, and this was partly the reason for his detention. He did not appear to have any feelings one way or the other about what he did nor did he seem to care what happened to him, an attitude shared by his foster parents who did not understand him and had little time for him. These factors were expressed in his general attitude which was essentially negative. He did not relate well to authority figures or adults, and his school report showed that he sought attention by bringing things to school that would interest other boys. It is not surprising that he was something short of precious in his teachers' eyes.

Undoubtedly the recommendation that he be given professional psychiatric help was a good one since his foster parents were not able to deal adequately with his personal problems. But how much was really known about the foster home? What unexamined assumptions resulted in the decision to place the boy in another foster home or private institution? How easily could he have been placed in a more nutritious environment? What were his feelings about his foster family? Were they genuine or tactical? Given the information here, the recommendation that he be placed in another environment was reasonable. Certainly no stronger action was called for, and something had to be done to help him.

* * * * *

Abstracted from a paper presented by Herman and Julia Schwendinger, April, 1962. Reprinted by permission.

INTRODUCTION

All of us have observed the tremendous importance which younger people attach to their peer relationships. After the youth enters junior high school, the influence exerted by his parents seems to weaken dramatically. The important source of approval, prestige, love, et al., is found in his friends. Schwendinger describes how this process works and how values inimical to law-abiding values may emerge during this period.

"THE SWINGING SET"

Juvenile misbehavior can be viewed in a number of ways. We can focus on the individual first and try to know his problems and his maladjustments. Moving one step further, we can explore the family relationships that bring particular youngsters to the attention of the agents of criminal justice. Next, we can examine the adolescent world the youngster lives in for clues to his misbehavior, especially as this world or sub-culture becomes elaborated in the school. And finally, we can look at the larger community itself and the role it plays in producing delinquency.

This research study focuses on the adolescent world in an attempt to shed light on juvenile delinquency.

Two groups of boys were chosen for investigation. Twenty of the boys were classified as non-delinquent and 34 as delinquent. The subjects were chosen by the investigators over a period of several years. The delinquents were identified by using responses to items from a short questionnaire administered to the whole group. The questionnaire was developed by Nye and Short in an effort to identify delinquents without using teacher, social worker or police complaints. The method is intended to spot adolescents who participate in delinquent activity but for one reason or another are never caught. The questionnaire in this instance was able to identify the delinquents who were already known as such to the investigators from information supplied by adolescent informants.

A special effort was made not to include youngsters from the lowest economic groups in this pilot study. The investigators were looking for factors other than economic disadvantage to explain delinquency; to have included a lower income group would have confounded the results.

The investigators wished to explore the kind of considerations that come into play when a group of youngsters decide to victimize someone. The hypothesis was that delinquent and non-delinquent youth perceive the victim in different ways. For the delinquent the victim is "worthless," "cowardly," "untrustworthy," a person who should be taken advantage of. No guilt is involved in victimizing him since he is viewed as a legitimate prey. For the nondelinquent the victim has broken the rules in some way and therefore should be brought back into line. The act of victimization, however, does bring with it guilt feelings which must be rationalized, or "neutralized", before the act takes place. Thus, in the nondelinquents' view, the victim must have _done_ _something_ for which he should be punished before the nondelinquent can justify attacking him.

To find out if delinquents and nondelinquents viewed victims differently, the investigators examined the rationalizations that coordinate the decision to engage in delinquent activity. This was most effectively studied through the use of _role_ _playing_ _methods_ followed by a content analysis of the dialogues that took place.

In this experiment, we instructed male subjects to act as youths who argue about victimizing a person in order to maintain club honor or obtain money and finally decide to do it. Each play-acting group was given the following instructions:

> "I want you to act out this story. Some teenagers are arguing about whether they should beat up an Outsider who insulted their club. An Outsider is someone outside their circle of friends. Those who are in favor of beating him up argue with the others about it. The others are finally convinced that the Ousider should be beaten up by the _entire_ group."

The same general format was followed in additional enactments involving victimization of a Rich Teenager, and a Businessman, with the following modifications in instructions:

> "Some teenagers are arguing about whether to take advantage of a Rich Teenager in order to get money to go to Disneyland, or Pacific Ocean Park, or get club jackets..."
>
> "Some teenagers are arguing about whether to rob a local Businessman's store...."

In addition to asking our subjects to come to a decision, we also induced conflict by assigning roles initially opposing these illegal purposes to specific members of the group in rotation. The actors who are for and against the delinquent decisions become arraigned against each other.

The view that delinquents and nondelinquents had of the victims (based on their discussion before coming to a decision to victimize him) were quite a bit different. The nondelinquent rationalizations revealed an ethical style or mode of reasoning that was absent in the delinquent rationalizations.

In the nondelinquent view, the value of all persons is estimated in terms of whether they fulfill or abrogate the obligations of everyday life. The assumptions underlying the conventional ethical mode of reasoning even carried into the justifications favoring the illegal act. Victimization is defined by proponents of the act as an act of sanction; a deserved punishment for a wrong doer. Typically the nondelinquents exclaim that the Outsider has not conducted himself respectfully, therefore beat him up; the Rich Teen is not entitled to all that money, therefore take it from him; and the Businessman is a monopolistic miser who cheats his customers, therefore teach him a lesson by robbing his store. Those nondelinquents who were instructed to object to the plan of victimization did so on the basis of the conventional moral implications of the act: "turn the other cheek," "two wrongs do not make a right," etc. They appealed to the maintenance of personal obligations regardless of the other's behavior.

The delinquent group members who were instructed to oppose the act of victimization did not express any moral considerations. Their opposition was based solely on tactical considerations. These refer to such things as fear of possible sanction and disagreement about how to accomplish the delinquent act, e.g., "we'll only get caught by the heat (police)," or "that Outsider's Club may be bigger than ours." The moral emphasis of the nondelinquents and the tactical emphasis of the delinquents is clearly brought out in Table I.

Table I - TYPES OF STATEMENT AGAINST THE ACT*

	Delinquents		Nondelinquents	
	%	N.	%	N.
Moral Implications expressed	4.2	5	53.6	52
Tactical Implications	95.8	114	46.4	45

*: Statements made during the role plays against the act before agreement was reached to act delinquently.

This table indicates that the delinquents' primary concern is with possible sanctions and other "tactical" problems, whereas the nondelinquents are concerned with moral implications to a much greater degree.

As an additional evidence of validity, three of 36 plays used dealt with actual considerations of real delinquent and criminal acts. This included discussions by two different groups of thieves who were actually considering undertaking a real robbery. There are no conventional moral implications in these dialogues whatsoever.

A further analysis of the dialogues revealed that victimization is seen as an avenue to attain club honor or money. These values seem to be truly sacred among delinquents. Those who were instructed to oppose the action overwhelmingly avoided questioning the motives for the act. In addition there are those statements which reveal an agreement with the value of illegal ends, even while protesting the act of victimization:

Proponent: "Don't you want the money?"

Objector: "Sure I do, but we shouldn't rob him because if I get busted again, I'll be sent to camp."

Table II indicates that proportionately fewer delinquents question the value of club honor or money in these dramatizations.

Table II - TYPES OF STATEMENTS AGAINST THE ACT IN TERMS OF CLUB HONOR OR MONEY

	Delinquents		Nondelinquents	
	%	N.	%	N.
Questioning the End	42.9	6	85.0	17
Affirming the End	57.1	-	15.0	3

Proportionately more of the delinquents affirm the value of club honor or money while still objecting to the act chosen to realize these ends. This is a further indication of the presence of two different sets of values.

Adolescents, delinquents and nondelinquents alike, wonder whether their participation in an illegal act will affect their family relationships, their reputations, other goals, or even their lives. However, with the delinquent it is the utilitarian calculus ("what's in it for me" outlook) not moral concerns that determine the range of means that are available for any particular ends. Delinquents have a set of nonmoralistic and exploitative values which reflect the prior levelling of most values to cash.

Our observation prior to the role plays has suggested that habitually delinquent youths do not concern themselves with moral implications prior to delinquent acts. They perceive the Outsider, the Rich Teenager, and the Businessman as probable victims to start with. The very description of victim defines him as someone to take advantage of: the definition of the victim makes the act of attacking him legitimate. They habitually stereotype a large range of persons as Punks, Chumps, Pigeons, Finks, Suckers, and Flunkeys. The definition of the victim is part and parcel of general attitudes about the society in which we live.

In an exchange following one of the role plays, a delinquent favoring the act of victimization stated:

"I would feel chicken if I was burned (robbed). So what! I'll turn around and burn someone else. It's a swinging set.

(In this context "swinging" means "conning" or "using others." "Set" means "situation" or "the way things are.")

At another point in the argument the proponent said:

"Listen man, get wise. Even the blind man is a con! I'll rob the blind man because I know that he's not blind, while the suckers like you put the bread in his cup."

The underlying view that regulates the behavior of the habitually delinquent boys is that they are surrounded by persons who perpetually engage in a struggle for power and commodities. This is no more than a working ethic and exceptions to it are recognized--a man's honesty or a woman's love can sometimes be trusted. For the world is composed primarily of Givers and Takers--and the Takers are accorded superior status. The delinquent believes that successful persons achieve their position in life primarily through manipulation of other human beings. They are seen to be the ones who really know how to play the game.

SUMMARY

An attempt was made to explore the differences between the values of a delinquent group of boys and a nondelinquent group in order to test the hypothesis that the view of likely victims implies a nonmoralistic, utilitarian or instrumental outlook on the part of those who are delinquents. This was examined through the use of role playing where the boys were asked to act out a decision to victimize someone with part of the group agreeing and part disagreeing. An analysis of the dialogues that ensued revealed the character of delinquent and nondelinquent outlooks.

The investigators concluded that there was a difference: nondelinquents characteristically view things from a conventional moral frame of reference. Delinquents do not. This was brought out in several ways:

1. Even the delinquents who objected to a victimization plan (as per instructions in role playing) did not express any moral considerations. A likely victim was left alone only because it would be wise to do so--the dangers of getting caught were too great or there might

be retaliation from the victim's friends. The assumption was made that the victim deserved his fate.

2. Club honor and reputation and money were found to be more important values to delinquents than nondelinquents. Delinquents accepted without question the value of reputation or money and consequently any means used to attain these ends, legal or illegal, were acceptable. Nondelinquents, while viewing club reputation and money as important, are not inclined to use any means to attain them.

The meaning delinquency has to delinquents themselves will not become clear until the peer group as it exists in the school is examined. This peer group is one of the audiences for whom delinquent and nondelinquent alike are acting. One part of this peer group is organized around a set of amoral exploitative values which facilitate delinquent behavior. The other part is more oriented to conventional subadult values. Any attempt to control this adolescent subculture must first recognize its existence and some of its antisocial features.

The research presented here has implications for those concerned with public order. If delinquency is primarily a product of the adolescent subculture then a prevention policy should somehow direct itself to its containment. It is possible to control those features of the adolescent social system which facilitate delinquent behavior.

Third Setting

Juvenile Court, the next day; a detention hearing.

Characters

The Judge.	Juvenile Court
Herb Brownlow.	Probation Officer
Mr. and Mrs. Ronald Ayer.	Parents of Juvenile
Clyde Ayer.	Juvenile Offender
George Feinstein.	Juvenile Offender

SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF HOWARD

IN SESSION AS A JUVENILE COURT

In the Matter of
Clyde Roger Ayer

Age ...11..... Birthdate ...4/7/52...

Address ...320 Mark Twain Avenue......
Osborne City, California

No. Case II

PETITION
(Section 602)

I, the undersigned petitioner, say on information and belief:

(1) The person whose name, address, and age are shown in the above caption, is under 21 years of age and is/wXXX residing within Howard County.

(2) This person comes within the provisions of Section 602 of the Juvenile Court Law of the State of California, in that said person, on or about, September 20, 1963 in the County of Howard, State of California, did then and there unlawfully enter Dickens Elementary School, Bret Harte and Devon Streets, Osborne City, California, with intent to commit theft, thereby violating Section 459 of the Penal Code of California;

(3) The names and residence addresses of parents and guardians of said person are:

Name	Relationship	Address
Ronald & Genevieve Ayer	Parents	320 Mark Twain Ave., Osborne City

(4) The above named minor is/ixxxxxx detained in custody. Said minor was taken into custody September 20, 1963 at . Hearing as to further detention is set for 1:30 PM on September 23, 1963

THEREFORE, I request that this person be declared a ward of the Juvenile Court.

Dated ..September 23, 1963...

Peter Green
(Petitioner)

SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF HOWARD

IN SESSION AS A JUVENILE COURT

In the Matter of
Clyde Roger Ayer

...11 years, 5 months............
(Age Years)

Proceeding No. ..Case II

RECOMMENDATION FOR
ORDER OF DETENTION

The Probation Officer hereby recommends in connection with the ____________________ petition filed in the matter of the above named person that an order of detention of said person pending hearing be made by this Court for the following reason:

☐ Said minor has violated an order of the Juvenile Court.

☐ Said minor has escaped from a commitment of the Juvenile Court.

☐ It is a matter of immediate and urgent necessity for the protection of said minor that said minor be detained.

☒ It is a matter of immediate and urgent necessity for the protection of the person or property of another that said minor be detained.

☐ Said minor is likely to flee the jurisdiction of the Court.

The facts in justification of the recommendation for such holding order in this matter are as follows:

Clyde was brought to Juvenile Hall by an Osborne City police officer at 9:30 PM on September 20, 1963. Police were called to the Dickens Elementary School by the janitor, Mr. Wilbur Brown. He reported that he had suspected burglary after finding a window in the boy's restroom opened; after searching the building he discovered that the freezer and a petty cash box had been broken into. While searching the building further he apprehended 4 boys playing on the school trampoline.

Clyde admits participating in the offense, but said it was not his idea to enter the school through a loose window in the boy's washroom. He admits that he knew the lock on the school freezer was broken and that they took ice cream from it. He also admits to breaking open the cash box and sharing the contents ($4.00, approximately) with George Feinstein.

Clyde has a prior history of two burglaries (neighbors' homes) for which he appeared in Court in February 1963. He was placed on 6 months probation without wardship at that time.

DETENTION HEARING: CLYDE AYER

Clyde Ayer's parents were already seated in front of the Judge when 11-year-old Clyde was brought into the courtroom by the probation officer. Clyde sat down between his parents. He seemed apprehensive. Mrs. Ayer winked at him and straightened the collar of his shirt. The probation officer took a seat on the other side of Mr. Ayer.

"Clyde," the Judge said, "Do you know why you are here?"

"Because we were messing around in the school."

"You know it was wrong for you to go into the school."

"Son, you should have known better," Mr. Ayer said.

"We were just playing around on the trampoline."

"We'll discuss this more fully at the hearing. Our purpose today is to determine where Clyde will stay until the hearing," the Judge said.

"We'd like to have him home, Your Honor," Mrs. Ayer said politely. "He'll fall behind in his work if he misses school."

"Mrs. Ayer, this is not the first time Clyde has been in trouble. He obviously needs more supervision than he's been getting."

"Judge," the probation officer interrupted, "I've discussed this matter with Mr. and Mrs. Ayer. They have to leave Clyde and his sisters with a nurse during the day because they work. The nurse seems to be giving Clyde reasonable physical care, but she can't provide him with enough stimulating activities, and he doesn't seem to be able to occupy himself constructively."

"Your Honor," Mrs. Ayer interrupted, "What if my husband and I took off some time from work so we could devote more attention to Clyde? We'll take him places, and we'll see that he gets into the right a activities." She looked at her husband.

Mr. Ayer cleared his throat. "I'm sure we could arrange some time off," he said quietly.

"All right, Mr. and Mrs. Ayer, I'll let Clyde go home now, until his hearing. You know what date that is?"

"Yes, we've received a notice of it," Mrs. Ayer answered.

"You know you may have an attorney?"

"Yes, Your Honor."

"Of course, it's not necessary to have one. The probation officer is responsible for seeing that Clyde's best interests are looked after."

"Yes, Your Honor."

"All right, Clyde, you can go home, but stay out of trouble."

The probation officer handed Mr. Ayer a Juvenile Hall release slip and the Ayers left the room.

Detention of Clyde Ayer

Most court denials of probation recommendations for detention occur as the result of circumstances that change between the time of the decision to detain and the time of the detention hearing. Rejecting parents may have a change of heart, missing parents may be located, or a more careful investigation of the facts may indicate the desirability of a changed recommendation. Occasionally, however, probation recommendations for detention may be denied on the basis of a different evaluation by the court of the same set of facts. In this case, the Judge was able to establish to his own satisfaction that the Ayers were capable of controlling their youngster. The fact that the parents were willing to take time off from work was a significant admission on their part that Clyde's behavior was a serious matter, and that it was their responsibility to take positive steps to control it. In a sense, the Judge was "rewarding" their constructive attitude. If he had rejected their overture to cooperate, he might have stirred up their resentment.

Should Clyde Ayer have been detained by the police? The probation department? What conclusions might one reach if, during his detention, 11-year-old Clyde had gotten along well in Juvenile Hall? What if he had gotten along poorly?

SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF HOWARD

IN SESSION AS A JUVENILE COURT

In the Matter of
George Feinstein

Age 11 Birthdate 8/12/52

Address 10 Pine Street, Osborne City, California

No. Case II

PETITION
(Section 602)

I, the undersigned petitioner, say on information and belief:

(1) The person whose name, address, and age are shown in the above caption, is under 21 years of age and is/waxxxresiding within Howard County.

(2) This person comes within the provisions of Section 602 of the Juvenile Court Law of the State of California, in that said person, on or about, September 20, 1963 in the County of Howard, State of California, did then and there unlawfully entered Dickens Elementary School, Bret Harte and Devon Streets, Osborne City, California, with intent to commit theft, thereby violating Section 459 of the Penal Code of California;

(3) The names and residence addresses of parents and guardians of said person are:

Name	Relationship	Address
Natural Parents Deceased		
Jerome and Eunice Schwartz	Foster Parents	10 Pine Street, Osborne City

(4) The above named minor is/xxxxxx detained in custody. Said minor was taken into custody September 20, 1963 at 8:30 PM. Hearing as to further detention is set for 1:30 PM on September 23, 1963

THEREFORE, I request that this person be declared a ward of the Juvenile Court.

Dated September 23, 1963

Peter Green
(Petitioner)

SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF HOWARD

IN SESSION AS A JUVENILE COURT

In the Matter of
George Feinstein

....11.years,.1.month............
(Age Years)

Proceeding No. .Case.II

RECOMMENDATION FOR
ORDER OF DETENTION

The Probation Officer hereby recommends in connection with the ____________________ petition filed in the matter of the above named person that an order of detention of said person pending hearing be made by this Court for the following reason:

☐ Said minor has violated an order of the Juvenile Court.

☐ Said minor has escaped from a commitment of the Juvenile Court.

☒ It is a matter of immediate and urgent necessity for the protection of said minor that said minor be detained.

☒ It is a matter of immediate and urgent necessity for the protection of the person or property of another that said minor be detained.

☐ Said minor is likely to flee the jurisdiction of the Court.

The facts in justification of the recommendation for such holding order in this matter are as follows:
George was brought to Juvenile Hall by an Osborne City police officer at 9:30 PM on September 20, 1963. The police were called by the janitor of Dickens Elementary School, Mr. Wilbur Brown. He reported that he had apprehended 4 boys playing on the trampoline in the school gym. He had discovered them while searching the building after finding evidence of a break-in. A window in the boys' restroom had been broken, the school freezer and a petty cash box were also broken into. George has been detained in Juvenile Hall since the date of the offense.

George admits involvement in the forced entry of the school, but he claims that they decided to enter the school only to look around. He declines to discuss what happened once inside the building.

Legal custody of George, an orphan, is in the Howard County Welfare Department. He has been living with his foster parents, Mr. and Mrs. Jerome Schwartz, since 1958. The foster parents state that the boy is, in effect, getting out of control. He has no prior delinquent history.

DETENTION HEARING: GEORGE FEINSTEIN

Eleven-year-old George Feinstein seemed to be swallowed by the big chair in which he was sitting. Herb Brownlow, the probation officer supervisor, sat next to him. The Judge had been reading the petition and the recommendation for order of detention for several minutes. The courtroom was silent. The Judge looked up. "George, do you know why you are here?"

George shook his head. No, he did not know why he was here.

The Judge held up the petition. "It says here that you broke into a school and took some things."

George said nothing.

"George, is that true?"

"I'm not saying nothin'," George said firmly.

"That's your privilege, son. You don't have to answer any questions if you don't want to. At any rate, it is not our purpose today to go into what you have done but only to determine where you will stay while awaiting the date of your hearing."

"Can I go home?" George asked eagerly. His eyes were now sparkling with interest.

"You mean to your foster parents, the Schwartzes?"

"Yeah."

"How have you been getting on with them?"

"All right, I guess. They get mad at me sometimes, but they're okay. Jerry and I do lots of things together."

"Your Honor," Herb Brownlow broke in. "Ive talked to the Welfare people about this. They tell me the Schwartzes feel George is too much for them to control."

George clenched his fists.

"I see," the Judge said. "Have you given George a copy of the petition and a notice of hearing?"

"Yes, Your Honor," Herb answered.

"Are you gonna let me go home? Is Jerry coming to get me? I bet he'll come if you call him."

"I'm sorry, George," the Judge said, looking into George's now sullen eyes. "You'll have to stay here for awhile. We'll do the best we can to see that you are taken care of. And if you want, you may have an attorney. He can be quite helpful to both you and the court at your hearing."

George jerked his head back defiantly. "Well, I want an attorney. I want you to get me an attorney. I want one. I want one," he shouted.

"Enough of that, George. We won't have any yelling in this courtroom," the Judge said.

George looked down at his untied shoelace.

"I changed my mind," he said softly. "I don't want anybody."

The Judge signed the detention order. He felt a little embarrassed. Herb Brownlow escorted George out of the courtroom and then returned.

"Herb, that's a sad case. The boy should have someone with him at the hearing. You'd think the Welfare Department would be interested enough to send somebody."

"Ill check on it, Judge."

Detention of George Feinstein

Four boys were involved in the same offense. As it turned out, only one of them was finally detained pending his adjudicatory hearing. An 11-year-old orphan whose only suspected offenses were petty property crimes, he was detained solely on double hearsay evidence regarding his conduct at home. The foster parents told the welfare workers who told the probation officers who told the Judge that George was too hard to control.

It has often been said that the process of apprehension, incarceration and adjudication contributes to the development of a child's concept of delinquency. In George's case, seeds of suspicion sprouted and a delinquent image began to grow in the boy's mind. He was reluctant to discuss his offense frankly, and his insistence that Mr. Schwartz could take him home might have been his way of saying that the welfare and probation officials were not telling the truth.

Should the Judge have acted differently in this case? Would you recommend either of the following alternatives?

(1) That the Judge, on his own motion, direct that the petition be amended to allege jurisdiction under the dependent children provision (Section 600) of the Juvenile Court Law so that George could be detained in the dependent children's facilities; or (2) that the Judge insist that the probation officer check directly with the foster parents concerning their willingness to have George stay with them pending his hearing?

Offense No. 090732
Juv. Bur. No. J10491
Juv. Hall No. 1133/3
Prob. Off. No. ______

JUVENILE PROCESSING REPORT
Osborne City - Howard County

ACTION

FIELD SECTION

NAME (Last) Anderson	(First) Peter	(Middle) James	Sex M	Age 11	Race W	Offense PC459

NO. PICKUP 4	LOC. OFFENSE Dickens El.	LOC. PICKUP Dickens El.	RESIST No	WPN No	HBD

COMPLAINANT	ADDRESS	PHONE
WITNESSES	ADDRESSES	PHONES
W. Brown	1302 Bret Harte Ave.	CL4-5618

DETAILS OF PICKUP 8:00: Janitor called to report broken window--possible mal.mischief, 8:15: apprehended 4 boys in school. 8:30: Officer Fowler investigated--school freezer broken into and also cash box--about $4.00 missing. No money found on subject. Taken to Juvenile Bureau.

	Date	Time
Pickup	9/20	8:30
Juv. Bur.	9/20	9:00
Parents Not.	9/20	9:10
Release	9/20	9:55
Juv. Hall		
Parents Not.		
Petition		
Det. Hearing		
Release		
Hearing		

PICKUP OFFICERS
J. Fowler
TRANSPORTING OFFICERS
J. Fowler

JUVENILE BUREAU SECTION

NICKNAMES	DATE OF BIRTH 1/7/52	STATE Calif.	HT. 4'8"	WT. 95	EYES Br.	HAIR Br.	COMPL Med.	MARKS, SCARS, TATTOOS scar bet. eyebrows

SCHOOL Dickens	GRADE El. 4	REPORT D ave	WELFARE No	LIVING WITH(ADULT) mother & stepfather	ADDRESS 502 Crane Ave.	PHONE CL4-8392	RELATION

ASSOCIATE	RACE	AGE	SEX	ADDRESS	PHONE
Daniel Kain	W	9	M	31 Beech St.	CL4-4001
Clyde Ayer	W	11	M	320 Mark Twain	CL4-6301
George Feinstein	W	11	M	10 Pine St.	CL4-5001

NAT. FATHER dead	ADDRESS	
NAT. MOTHER Mrs.J.McCarthy	ADDRESS 502 Crane Avenue	
PRINTED No	PHOTO No	INVEST. OFF. Sgt. Keats

REMARKS Seems impressed by seriousness of offense. Parents anxious to cooperate. No previous record.

RELATED FILE NUMBERS
J10490-1,2,3

PROBATION OFFICE/JUV. HALL -- INTAKE SECTION

REASON ADMITTED Citation	BROUGHT IN BY	NO. TIMES PREV. DETAINED None

RELIGION Mormon	MED/DENTAL PROBLEMS (EXPLAIN) asthmatic

FATHER FIGURE EverettMcCarthy	ADDRESS 502 Crane Ave.	PHONE CL4-8392
MOTHER FIGURE JesselynMc Carthy	ADDRESS same as above	PHONE
CUSTODIAN (IF OTHER)	ADDRESS	PHONE
STEPFATHER Everett McCarthy	STEPMOTHER	

NO. OF SIBLINGS
M (2) F ( ) ages 16 and 20

REMARKS
Admits two previous burglaries

Offense No. 090732
Juv. Bur. No. 10492
Juv. Hall No. 1551/3
Prob. Off. No. ______

JUVENILE PROCESSING REPORT
Osborne City - Howard County

ACTION

FIELD SECTION

NAME (Last)	(First)	(Middle)	Sex	Age	Race	Offense
Ayer	Clyde Roger		M	11	W	P459

NO. PICKUP	LOC. OFFENSE	LOC. PICKUP	RESIST	WPN	HBD	
4	Dickens El.	Dickens El.	No	No		

COMPLAINANT	ADDRESS	PHONE
WITNESSES	ADDRESSES	PHONES
W. Brown	1302 Bret Harte Ave.	CL4-5618

DETAILS OF PICKUP
8:00 Janitor called -- reports a school break-in -- 4 culprits caught -- School freezer broken and some food gone (ice cream) -- Cash box broken -- about $4.00 missing. Boy admits taking money -- $2.50 found on him.

	Date	Time
Pickup	9/20	8:30 PM
Juv. Bur.	9/20	9:00
Parents Not.	9/20	9:15
Release		
Juv. Hall	9/20	10:00
Parents Not.	9/20	11:00
Petition	9/23	11:00
Det. Hearing	9/24	9:00
Release	9/24	9:45
Hearing	10/11	9:00

PICKUP OFFICERS
J. Fowler
TRANSPORTING OFFICERS
J. Fowler

JUVENILE BUREAU SECTION

NICKNAMES	DATE OF BIRTH	STATE	HT.	WT.	EYES	HAIR	COMPL	MARKS, SCARS, TATTOOS
Rog	April 7, 1952	Wyo.	4'8"	95	Bl.	Fr.	Fr.	none

SCHOOL	GRADE	REPORT	WELFARE	LIVING WITH (ADULT)	ADDRESS	PHONE	RELATION
Dickens El.	5	B av.	no	Mr. & Mrs. Ayer	Below	CL4-6301	Parents

ASSOCIATE	RACE	AGE	SEX	ADDRESS	PHONE
Daniel Kain	W	9	M	31 Beech St.	CL4-4001
Peter Anderson	W	11	M	502 Crane Ave.	CL4-8392
George Feinstein	W	11	M	10 Pine St.	CL4-5001

NAT. FATHER	ADDRESS
R.M. Ayer	320 Mark Twain Ave.
NAT. MOTHER	ADDRESS
G. Ayer	same

PRINTED	PHOTO	INVEST. OFF.
no	yes	J. Fowler

REMARKS
Two previous offenses -- not sorry -- parents very disturbed -- may have been leader.

RELATED FILE NUMBERS
J9337;J10490-1-3

PROBATION OFFICE/JUV. HALL -- INTAKE SECTION

REASON ADMITTED	BROUGHT IN BY	NO. TIMES PREV. DETAINED
Danger to property	K.B. O'Rourke	once

RELIGION	MED/DENTAL PROBLEMS (EXPLAIN)
Baptist	Bed wetting

FATHER FIGURE	ADDRESS	PHONE
Father	above	
MOTHER FIGURE	ADDRESS	PHONE
Mother	above	
CUSTODIAN (IF OTHER)	ADDRESS	PHONE
STEPFATHER	STEPMOTHER	

NO. OF SIBLINGS
M ( ) F (2) ages 3 and 7

REMARKS
2 previous burglaries -- just completed 6 months without wardship. Petition filed -- detention recommended

Not Granted

Offense No. ~~090732~~
Juv. Bur. No. J10493
Juv. Hall No. 1147/3
Prob. Off. No. ______

JUVENILE PROCESSING REPORT
Osborne City - Howard County

ACTION

FIELD SECTION

NAME (Last) Feinstein	(First) George	(Middle)	Sex M	Age 11	Race W	Offense P459

NO. PICKUP 4	LOC. OFFENSE Dickens El.	LOC. PICKUP Dickens El.	RESIST No	WPN No	HBD

COMPLAINANT	ADDRESS	PHONE
WITNESSES	ADDRESSES	PHONES

	Date	Time
Pickup	9/20	8:30
Juv. Bur.	9/20	9:00
Parents Not.	not located	
Release		
Juv. Hall	9/20	10:00
Parents Not.	9/21	8:00
Petition	9/23	11:00
Det. Hearing	9/24	9:00
Release		
Hearing	10/1	9:00

DETAILS OF PICKUP
8:00 Janitor called -- reported school break-in -- 4 culprits apprehended. Freezer broken into and some ice cream bars gone. Cash box found broken -- approximately $4.00 missing. Officer Fowler called. Boy admits nothing. $2.00 found on him and a glass cutter.

PICKUP OFFICERS
J. Fowler
TRANSPORTING OFFICERS
J. Fowler

JUVENILE BUREAU SECTION

NICKNAMES	DATE OF BIRTH 8/12/52	STATE Calif.	HT. 4'11"	WT. 101	EYES br.	HAIR Lt.br.	COMPL dark	MARKS, SCARS, TATTOOS none

SCHOOL Dickens	GRADE 5	REPORT C ave.	WELFARE yes	LIVING WITH(ADULT) Mr. & Mrs. Schwartz	ADDRESS 10 Pine St.	PHONE CL4-5001	RELATION F. parents

ASSOCIATE	RACE	AGE	SEX	ADDRESS	PHONE
Clyde Ayer	W	11	M	320 Mark Twain	CL4-6301
Daniel Kain	W	9	M	31 Beech St.	CL4-4001
Peter Anderson	W	11	M	502 Crane St.	CL4-8392

NAT. FATHER dead	ADDRESS
NAT. MOTHER dead	ADDRESS

PRINTED no	PHOTO yes	INVEST. OFF. J. Fowler

REMARKS
Uncooperative. Foster parents apparently cannot control.
May have been in prior school break-in with Anderson and 3 others

RELATED FILE NUMBERS
J10490-1-2

PROBATION OFFICE/JUV. HALL -- INTAKE SECTION

REASON ADMITTED Protection of minor	BROUGHT IN BY K. B. O'Rourke	NO. TIMES PREV. DETAINED none

RELIGION Jewish	MED/DENTAL PROBLEMS (EXPLAIN) None

FATHER FIGURE F. father	ADDRESS above	PHONE
MOTHER FIGURE F. mother	ADDRESS above	PHONE
CUSTODIAN (IF OTHER)	ADDRESS	PHONE
STEPFATHER	STEPMOTHER	

NO. OF SIBLINGS
M ( ) F ( ) none

REMARKS
Admits one count of burglary.
Petition filed -- detained.
Beyond parents control.

Fourth Setting

Juvenile Court, two weeks later; an adjudication hearing.

Characters

The Judge	Juvenile Court
Peter Green	Probation Officer
Herb Brownlow	Probation Officer
Helen Meyer	Social Worker
Mr. and Mrs. J. McCarthy	Anderson's parents
Mr. Ronald Ayer	Clyde's parent
Clyde Ayer	Juvenile Offender
Peter Anderson	Juvenile Offender
George Feinstein	Juvenile Offender

ADJUDICATION

When the Bailiff, Hank Williams, called the case, the crowd of people that entered made the courtroom seem very small. Like an experienced usher, Hank quickly seated everybody in a semi-circle before the Judge's desk. The probation officer, Peter Green, introduced each participant to the Judge, starting with 11-year-old Peter Anderson, his mother and stepfather, then Clyde Ayer, also 11, and his father.

"Where is the boy's mother?" asked the Judge.

"She couldn't get away from work, Your Honor," said Mr. Ayer. "She authorized me to speak for her."

Peter Green next introduced George Feinstein and his escorts to the Judge. George was flanked by probation supervisor Herb Brownlow on one side, and by Miss Helen Meyer, a streamlined young woman from the County Welfare Department, on the other side.

"Where are the foster parents?" asked the Judge.

"We thought it best that they not appear, Your Honor," said Miss Meyer.

"We?"

"My supervisor and I."

The Judge hit his gavel in the palm of his hands a few times while keeping his eyes fixed on Miss Meyer. She clutched her handbag and forced a nervous smile.

All the participants told the Judge they were willing to go ahead with the hearing without legal aid. The clerk then read the petitions aloud. The charge in each case was burglary.

"Did all of you understand what was just read?" the Judge asked.

All nodded their heads. A slight pause. A cough. Miss Meyer dropped her handbag.

"Your Honor, I don't think there's any necessity to go into the facts," said the probation officer. "All the boys admit their acts."

"Thank you, Mr. Green, but I'd like to ask the boys a few questions. Peter, did you climb into the school window without permission?"

"Uh-huh."

"Why?"

"I dunno. Just to fool around and play on the trampoline, I guess."

"What about the ice cream?"

"I didn't want any."

"Or any money?"

"No."

"What about you, Clyde?" the Judge asked. "Did you know there was ice cream and money in the school?"

"No, sir."

"Then who suggested that you break open the cash box?"

"George, I guess."

"How much money was in the box?"

"Two or three dollars."

"How much did Peter get?"

"He didn't get any. George said don't tell him about it so we wouldn't have to share."

"I didn't say that!" yelled George.

"You'll get your chance, George. You be quiet now," said the Judge.

"Now Clyde, was it your idea to enter the school in the first place?"

"No, it was George."

"What a rat. He's lying. He's the one who wanted to get the money."

"My son doesn't lie, Your Honor," said Mr. Ayer.

"I don't want any more outbursts like this," said the Judge sharply. "I'll determine who is telling the truth and the rest of you be quiet."

"Clyde, after all of you entered the school, then what happened?"

"Well, we started walking pretty slow down the hall. It was kind of creepy in there because it was dark. Then when we got to the kitchen we opened the freezer and got some ice cream. We didn't take too much. Then Danny and Petey went to the gym and George and me stayed in the kitchen."

"Go on."

"George showed me this tin box with a lock and all on it and said there was some money in it. We broke it open and split the money."

"Is that what happened, George?"

"Yes, except it was Clyde who found the box with the money in it. He said he knew where it would be when we were out in the yard."

"Peter, whose idea was it to enter the school?" the Judge asked.

"I dunno."

"Was it George's?"

Peter shrugged his shoulders. "Maybe, I don't remember."

The Judge turned toward the probation officer. "If it's all right with you, Mr. Green, I think we'll amend these petitions on their faces so they conform to the evidence. With Peter Anderson, we can amend to specify jurisdiction under Section 602 of the Welfare and Institution Code, as the result of a violation of Penal Code Section 602 (1) trespassing on real property, which is a misdemeanor. In the cases of Clyde Ayer and George Feinstein, the evidence of intent to commit theft prior to entering the school is not clear. However, they do admit taking the money from the cash box. We'll amend to allege a violation of Penal Code Section 602 (1), trespassing on real property and Penal Code Section 488, petty theft, both misdemeanors. As amended, the allegations of the petitions are sustained.

The Judge then glanced over the probation report on Peter Anderson to refresh his memory.

"Peter, you knew it was wrong to go into the school like that, didn't you?"

"Yes."

"Think you can control yourself in the future?"

"Yes."

"Mr. and Mrs. Anderson..."

"It's McCarthy, Your Honor," Peter's stepfather said.

"Oh, yes. Mr. and Mrs. McCarthy. Peter seems to be a fine boy, but he needs a little guidance right now."

"We realize that, Judge," said Mr. McCarthy. "Mr. Green has recommended that we see someone at Family Service."

"An excellent idea. I'm going to place Peter on probation for six months without declaring him a ward of the court. During that time, let's see if we can get him on the right track."

The Judge turned next to Clyde. "This isn't the first time you've been here, is it?"

"No, sir."

"This is rather serious, Mr. Ayer. Clyde is only eleven and he's back in court for the second time."

Mr. Ayer scratched his neck. "I guess we'll have to watch him more carefully, Judge."

"He's going to have to shape up, Mr. Ayer. I don't want to see him in court again. Clyde, do you think you can behave if I send you home?"

"Sure."

"All right, Clyde. I'm declaring you a ward of the court and placing you on probation under the care and supervision of the probation officer. I want you to cooperate with him and to stay out of trouble. I won't be so lenient with you if you are here a third time."

"We'll see that he behaves," Mr. Ayer said, in a threatening tone.

The Judge turned to Mr. Green. "Is there any reason the Andersons and Ayers should remain?"

"No, Your Honor." Mr. Green motioned to the Anderson and Ayer families to accompany him. As they left the room Mr. Green could be overheard saying to Mr. Ayer, "We'll go down to my office. There are a few things I'd like to mention to you."

When the room was quiet again, George stammered, "Can I say something?"

"Of course."

"Clyde was lying. I didn't even know there was money in the box."

"We have already decided that there wasn't enough evidence against either of you for the burglary. Our main concern is what provision should be made for you."

"I wanna go home."

"To your foster parents?"

"Yeah."

"Do you like living with them?"

"Yeah. Jerry and I play ball after dinner a lot."

"What about it, Miss Meyer, will George's foster parents take him back?"

"We feel it is best that George not go back."

"That's not what I asked," said the Judge.

"Yes, the foster parents are willing to take George back."

"Miss Meyer, I'm sure your agency has some sound reasons for recommending that George not be returned to the Schwartzes."

"Yes, we have, Your Honor. We feel George's repeated misbehavior reflects some serious deficiencies in his emotional development. Besides, the Schwartzes have their own difficulties and we feel they are making use of George as a scapegoat for these problems. It is true George and the Schwartzes seem to have developed a stable relationship but much of this stability is based solely on the feeling by the Schwartzes that they are making money by keeping George. We think a healthier situation could be developed in a different home."

"How long will it take to locate such a home?"

"We hope, in a couple of months..."

"And where do you expect George to stay in the meantime?"

"We are hoping you would keep him here in Juvenile Hall."

"Mr. Brownlow," the Judge turned to the probation supervisor, "what are the chances of your finding a placement for George soon?"

"Pretty slim, Your Honor."

"Thank you. Listen, George, if I let you go back to your foster home do I have your promise that you will stay out of trouble and cooperate with the probation officer?"

"Yes, I promise, only please don't send me back to Juvenile Hall."

"You may have to spend a few days there but we'll try to get you home as soon as possible. The Bailiff will take you to the Juvenile Hall counselor who will take care of you for the time being."

After George had left the room, the Judge turned to Herb Brownlow once again. "Herb, George has lived four years with his foster parents. They're all the family he has. I'm sure your inventive mind can work something out. Perhaps with some out-patient psychiatric help, things will work out for him."

Miss Meyer was clutching her handbag again. She spoke up. "Your Honor, we really don't think..."

"Miss Meyer, you have already informed me of the collective professional opinion concerning George. I just wonder if all you people with your charts and statistics and textbooks and norms of behavior have any idea what staying in Juvenile Hall could do to that boy. He wants to remain with his foster parents, and they apparently want him. You can't seriously believe that condemning the boy to an indefinite stay in Juvenile Hall is going to be better for him. Unlike you, I have a highly individual decision to make. I couldn't sleep nights if I followed your recommendation. I'm going to try the better possibilities first."

Miss Meyer stood up. "Your Honor," she said, "just off the record, I don't agree with my supervisor's recommendation either. I honestly admire you." She blushed and walked quickly out of the courtroom.

DISCUSSION

There is little argument about the desirability of group fact adjudications. In this case, the Judge was able to get a better idea of everything that happened in the school by having all the boys present at one time. It was thus easier for him to determine the *prima facie* legal problems and to make findings of fact in the face of denials and contradictory testimony.

There are many arguments, however, about the desirability of dispositions conducted on a group basis. Some argue that dispositions should be private because people will talk more openly, and will suffer less embarrassment if highly personal evidence is introduced. On the other hand, group dispositions may teach observers a worthwhile lesson. Some judges may first dispose of the more "hardened" delinquent in order to show the other youths and their families the dire consequences that can result from reprehensible behavior. Other judges choose to dispose of the least serious case first, and a youth may thus be shocked to find some minutes later that one of his friends is being sent to a custodial institution.

In Case II, Peter Anderson was disposed of first and was given probation without wardship. Then Clyde Ayer was put on probation with wardship. Perhaps Clyde's greater culpability was brought home to his parents because they could compare his disposition to Peter Anderson's disposition.

Hopefully they will take more forceful action with him in the future. Peter Anderson's parents were warned that more serious consequences could follow if Peter failed to mend his ways.

When many participants are involved, the judge may find it difficult to keep track of everyone. As a guidepost, he may want to familiarize himself with the fact allegations of each individual case prior to the hearing. The judge usually obtains such information from the probation report, or through conversations with the probation officer or the attorney representing the youth. Once again it should be emphasized that the judge must use this information with extreme caution and should not let it influence him in any way in prejudging the case. The court proceeding is the only means of establishing the facts; information obtained prior to the hearing is only an aid.

In contested cases the judge should never look at the social information contained in the probation report before sustaining the allegations. These opinions become relevant only during the disposition, after the facts have been determined, and even at that time the information should be taken with a few grains of salt.

Many times the reports contain information which is misleading or contradictory to testimony in court. For example, the social information in the probation report on George Feinstein stated that George said his foster parents did not care about him and that his foster father was interested only in science. In court, however, he said that his foster father often played ball with him after dinner. These inconsistencies are not necessarily the fault of the probation officer making the report. Different probation officers may evaluate the same situation very differently, and people, particularly children, do not always say consistent things. The Judge had to decide whether George invented the story about playing ball with his foster father in order to escape staying in Juvenile Hall. It is significant that George, at the detention hearing, referred to doing things with his foster father but the Judge could have known this only if he had been present at the detention hearing.

The Judge must also acquaint himself with each family unit. Why was Clyde Ayer's mother not there? The father did not seem perturbed by this and his explanation convinced the Judge that the mother's absence was not necessarily due to lack of interest in her boy nor was it evidence of conflict within the family. The parents felt that the absence of both from their business obligations at the same time would be too great a sacrifice. Not everyone would agree with this decision when a family income is $1,200 per month, but at least the decision was not a matter of conflict between the parents. Occasionally one spouse will make an unpleasant comment about the absent spouse, or the child will make a remark which indicates a feeling of rejection or exclusion. These bits of information can be of great aid to the judge in his evaluation of the social information in the probation report during the disposition phase of the hearing.

The Judge was also concerned about George Feinstein's foster parents. Where were they? The social worker admitted that the foster parents were not there because the County Welfare Department did not want them there, but the Judge subsequently learned that the foster parents were in fact willing to keep George. The situation was quite different from the way it appeared on the surface.

The social worker, as well as the probation officer, appeared on the boy's behalf. But if she had not appeared it might have been a good idea for the Judge to appoint an attorney to appear for the boy. Since there was a possibility George might be sent to a custodial institution,it would be wise to avoid the charge that the boy had been "railroaded" if he had, in fact, been sent there. Though due process may not require it, at least one independent adult should appear with a juvenile.

The Judge's next problem was to discover the best way to uncover the facts. Should he have conducted the examination himself? Would this compromise his position as impartial arbiter? The Judge in Case II had no choice but to conduct the questioning himself. The probation officer had little appreciation of the legal issues involved and gave no consideration to when the intent to steal was formed. Although some probation officers are quite skillful in their court presentations, particularly when they have had special training, others are not knowledgeable about basic legal matters. This is unfortunate, particularly in California where the law often requires the probation officer to assume the inconsistent roles of prosecutor and defense attorney. To the extent that the probation officer is not equal to the legal task, the Judge must assume it although this does not mean the Judge should abandon his impartial role. In Case II, a more penetrating cross-examination might have revealed which boy was telling the truth, but the price of such a cross-examination can be too high. It is ridiculous to put intense pressure on an 11-year old boy and it is doubtful that much will be gained if he is slumped in his chair with tears running down his cheeks and his self-respect in a state of total collapse.

Though the Judge was careful to probe each boy's story, he should have personally confirmed each boy's admission before asking him questions. He did this with Peter when he first asked him if he climbed into the school window without permission. In his questioning of Clyde, however, the Judge asked the question: "Then who suggested that you break open the cash box?" Such a leading question should never have been asked without first establishing a personal admission from Clyde that he had in fact participated in breaking open the cash box. The informality of juvenile court does not mean that rules of evidence which are grounded on years of legal experience should be relaxed.

The Judge was careful not to take each boy's admission at face value. Admissions in juvenile court may be unreliable. Youngsters are suggestible, and an inexperienced questioner may elicit untruthful responses. Youngsters in detention are frequently quite nervous and are incapable of telling an accurate story. As pointed out earlier, they may admit to things which they have not done simply because they are not aware of the legal implications of the facts. The future of the four boys in this case could be seriously affected, depending upon whether the intent to steal was formed outside the school or when they were actually in the school. Some judges feel admissions of guilt are particularly suspect in group situations. "Loyalty" to his buddies may be more important to a youngster, who must continue to live with his peer group, than cooperating fully with law enforcement authorities.

In Case II, burglary was originally charged when petty theft or trespassing would have been the proper allegation. Some counties do not take the trouble to distinguish between burglary and theft. This may be harmful to the youth in later life because job opportunities and subsequent contacts with law enforcement authorities may be affected if he is in a county that makes the distinction. In establishing jurisdiction because of specific penal violations, the judge should pay strict attention to the legal technicalities of the offense. The youth's right to appointed counsel, the possibility of certification to criminal court, and the seriousness of the youth's record may depend on whether the offense alleged is a felony or a misdemeanor.

At times the judge may have doubts about the competence of a particular probation officer, but he should always treat him with respect in court. The Judge in Case II did not openly criticize the probation officer for suggesting that they dispense with the facts. Mr. Green was consulted during the proceeding and the Judge praised his suggestion that the McCarthys consult the Family Service. In this way the Judge did not diminish the prestige of the particular probation officer or of probation officers in general.

The more respect the judge has for a probation officer the more weight he will give to that officer's probation recommendation, although the judge should not let his personal opinion of an officer influence his own evaluation of the evidence in the case. On the other hand, if the Judge's disposition differs from the recommendation of the probation officer, he should take great pains to explain the reason for the difference to the youth and his parents; because it is vital that they have confidence in his decision.

If the probation officer's prestige has suffered slightly, the judge may redeem it by making it clear that the officer is an agent of the court whose job is to carry out the court's wishes. This also relieves the probation officer of the burden of having to establish his authority independently, without any support from the court.

As for the social worker, Miss Meyer, she had custodial authority over the youngster. But, she was a professional doing a job, not a parent. The recommendation she made was the collective conclusion of the Welfare Department that George should not continue to live with his foster parents and that they should not appear in court.

The Judge properly questioned such a bureaucratic decision. He did not know whether it represented a professional consensus or only a narrow majority vote. Miss Meyer did not voice her personal opinion until the Judge had decided against her supervisor.

For a discussion of employee's attempts to humanize a bureaucracy see pages 231-240.

Thus the Judge did not have the opportunity to consider whether her opinion might aid him in reaching his decision. The Welfare Department's conclusions, although internally sound, were typical of segmented decisions which are possible when there is a bureaucratic division of labor. The Welfare Department's job was to insure an optimum home situation for the boy. Thus, once it concluded that the Schwartzes could not provide such a home, it quite logically decided that the boy should be removed. "Logical" reasoning, however, is not always desirable when dealing with real life situations.

The Judge was careful to voice his disapproval of the Welfare Department only after all the participants had left the room. If a Judge expects participants to maintain respect for other community agencies which may become involved in the juvenile court process, he should never publicly disparage those agencies.

A community agency which works with juveniles must take into account the problems of other agencies involved in a particular case; if an agency fails to do this, it cannot make an intelligent decision. This is the most important lesson of this manual. When the Welfare Department decided to leave George in Juvenile Hall, it had not attempted to find out whether this was possible or whether Juvenile Hall was designed to care for a boy like George until a foster home could be found for him.

The Judge must put himself on a level above the agencies and he must always make a decision which takes into account the problems in the various agencies. He has nothing to support him but his knowledge, his conscience, and his integrity.

In this case, was the Welfare Department solely responsible for the breakdown of interagency communication?

Would it be helpful to hold interdepartmental meetings designed to give each agency a chance to learn about other agencies' problems?

What could be done if the agencies still continued to operate independently even after such meetings?

DISPOSITION OF PETER ANDERSON

It was obvious that Peter's situation did not warrant taking him away from home. Such action is necessary only when a boy is a threat to the persons or property of others, or when his home environment is likely to encourage delinquent behavior. Peter's prior record was trivial and his family environment was excellent. The probation report, however, contained the isolated statement that Peter "offered the spark of excitement needed to motivate the group to commit the burglaries." This statement could have made Peter's case seem far more serious than it was. When a judge reads the probation report, he must be alert to conclusions made without indicating the facts on which they are based.

How should the recommendation for probation without wardship be evaluated? The probation report indicated that "some structuring" of Peter's life "by a person outside the immediate family" was needed. The probation officer, with a heavy caseload, could not provide such structuring except quite superficially, but he solved the problem intelligently by advising the Andersons to seek aid from a nonauthoritarian casework agency. This made good sense to the Judge who supported the suggestion with his encouraging remarks. When a youngster is placed on probation, it is all too often assumed that the probation department is solely responsible for providing "services." This policy overtaxes probation personnel and leads to an identification of the boy as a "delinquency" problem to be shunned by the "respectable" members of the community.

The final question in Peter's case was whether wardship should be declared. When wardship is declared, a youth is not automatically freed from restrictions when the six-month probation period ends. In some counties, wardship is reserved for misdemeanor second offenses. If Peter were declared a ward of the court and should later get in trouble in such a county, he would have a more serious mark on his record than if his second offense was in a county that declares wardship for first offenders.

Even though the Judge placed Peter on probation without declaring him a ward of the court, the boy will still have a record of having been adjudicated by the juvenile court. A recent case illustrates the harsh effects of a record on a youth's later life. A 12-year-old youngster was placed on probation as the result of a school break-in similar to Case II. As the youngster matured, he developed a superlative academic and character record in school. Tentatively accepted by one of the military service academies, he was suddenly rejected because, as the colonel in charge of admissions stated, he had once been placed on probation by the juvenile court. Despite the attempts of the juvenile court referee to intervene on the boy's behalf, the admissions office remained firm. The boy's record was not bad, but there were many qualified applicants for the few vacancies and he was arbitrarily rejected. The same thing could happen to Peter Anderson. He is only 11 years old. He has an I.Q. of 121, and his chances of becoming a different kind of boy in the future are quite good. Unfortunately, his adjudication may jeopardize his future career.

Should the Judge have done anything to save Peter from acquiring a potentially damaging record? What could he have done?

DISPOSITION OF CLYDE AYER

Clyde came from a "good" home. His attitude was cooperative, his school record excellent. He was not a "behavior" problem to his parents nor a real physical threat to others, yet he was likely to commit further delinquent acts simply because he did not feel such behavior is taboo.

Should Clyde have been removed from his home? What other data in the probation report would influence your decision? What additional data would you like to have in the probation report?

Perhaps Clyde should have been taken away from home, but there are few institutions designed to handle 11-year-olds. County camps do not usually deal with this age group. A foster home could not provide more supervision than his own home; private institutions are equipped to handle only "behavior problems" and children who have not been officially in difficulty with the law. The only remaining possibility is CYA which has excellent facilities for 11-year-olds, but debate is continuous in juvenile court circles concerning youngsters who have committed relatively minor offenses. Some argue that such youngsters could benefit from early commitment to CYA. Others argue that the benefit of early commitment is far outweighed by the disadvantage of being labeled a CYA product. Certainly juvenile court adjudications are not criminal convictions, and commitments to CYA are supposedly for treatment and rehabilitation, not for punishment. Nevertheless, many people regard CYA youths as "cons" or "juvies" who should be treated with suspicion and distrust for the rest of their lives.

Within the juvenile court process itself, "rehabilitation" is more of a theoretical nicety than a living reality. In most counties, first offenders are placed on probation. They may be allowed to stay at home even after subsequent offenses are adjudicated, but the time may come when probation and court authorities decide the youngster needs further "treatment." In some counties this means incarceration in Juvenile Hall for as long as 90 days. This is obviously punishment, because the juvenile halls make no pretense of running rehabilitation programs. Confinement in a county camp or a CYA facility may follow.

Such institutions are designed to treat youngsters rather than to punish them and each ostensibly has its own functions. Theoretically, commitments are supposed to be made on the basis of a youngster's needs. If he needs psychiatric help he should be sent to one institution; if he needs remedial school work he should be sent to another. However, this is seldom done, and the general practice is to move the youngster mechanically along the treadmill from informal probation to CYA as each subsequent offense is committed.

Institutional forces which affect an individual after commitment are discussed on pp. 241-248.

In Clyde's case, the Judge decided he would be better off at home than in an institution. In such a case, the Judge may try to "reach" the boy in court by using the hearing as a kind of therapeutic device. The judge should first carefully analyze the case before he decides whether he wants to "sermonize," or get "tough." It is absurd to tell a youngster who is being supported by AFDC that the family name will be dragged down. A Negro youngster who thinks he has been handled roughly by white policemen should not be lectured on the necessity of respecting authority. It is fruitless to expound on the financial rewards of hard work and good behavior when talking to the son of a low-income laborer with modest aspirations. The Judge in our case told Clyde that he would not be so lucky if he appeared in court again. It is not wise to make such threats when the intention and the power of carrying them out are lacking. If a youngster comes back to court and is merely placed on probation again, he will have no respect for the court. If he thinks he must pay only a small price for his misdeeds, the incentive for reform may be diminished.

Clyde's hope lies in his family. If his father takes a firm hand, Clyde should have an excellent chance of "shaping up." The Judge's restraint was calculated, for he did not want the family to think that the court and probation authorities were going to share with them the burden of bringing up the boy. This is an obligation the parents must meet.

DISPOSITION OF GEORGE FEINSTEIN

George Feinstein's case is heartbreaking and it is only one of the many which come to juvenile court. It is not easy for a boy of 11 to fight the battle of life alone. In his dealings with the police and with his school there was no one to stand up for him. When George called Clyde Ayer a liar, Clyde's father immediately spoke up on his son's behalf. George, however, had to speak for himself. It was not surprising that he was defensive and uncooperative with the police.

It was recommended that George see a psychiatrist because he was emotionally disturbed. What could the Judge have done about this? The Welfare Department may have been right in deciding that a change of foster parents was desirable, but there were none available. The Judge had little to work with, but it was more sensible to work out something with the Schwartzes with whom George had lived for four years than to let him stay indefinitely in Juvenile Hall.

From Peter M. Blau, Bureaucracy in Modern Society, New York: Random House, Inc., 1956, pp. 53-59.

INTRODUCTION

Many interested individuals in the related fields of law enforcement and corrections have expressed concern with the "bigness" of bureaucracy. They have been both witnesses and victims of the standardization and the impersonality presented by the bureaucratic machine. By definition, bureaucracy is designed to induce an impersonal and rational orientation toward tasks which is conducive to efficient administration. According to technologists, efficiency suffers when emotions or personal considerations influence administrative decisions. Furthermore, if the operations of hundreds of employees are to be coordinated, each individual employee must conform to prescribed standards,even in situations where a different course of action might appear to be most rational. Blau, in his interest in this question, studied three bureaucratic organizations - the Navy, a large factory, and a Federal law enforcement agency - in an effort to determine whether employees tend to establish a structure of interpersonal relations that humanize the bureaucracy and at the same time make it more efficient.

THE NATURE OF BUREAUCRACY

The disposition of the youngsters in the foregoing cases provides a view of the Juvenile Court at work. A basic tenet of the Juvenile Court has been the effort to give each child the degree of individual attention necessary to ensure a disposition that can best serve the child's welfare. In this case, the Judge has made a separate disposition for each boy based on the youngster's personal situation, his home life, and the Court's evaluation of his prognosis.

Despite the Court's efforts to individualize each child's disposition, however, the complexities of modern society intervene. In most cases the child is now known to the investigating Probation Officer of the Judge previous to his involvment in the legal process. Court officials start with certain personal prejudices and develop others in the course of their work. These may be prejudices based upon "categories"of youngsters, types of offenses, or a stereotyped view of family life. Evaluations become increasingly more routine. The child is no longer seen as an individual. Both Judge and Probation Officer become part of an impersonal, bureaucratic machine which handles each case as one of a category.

Those who have been subject to the often frustrating effects of bureaucracy become its severest critics. They brighten at bureaucratic stupidity and red tape, since then their frustration can be expressed as a disinterested criticism of performance rather than an impotent cry of anger. Too often, however, the young offender seen in the Juvenile Court does not have this sophisticated form of sublimination available to him. Hence, court officials are frequently faced with an open anger or a passive resistance that they cannot understand.

Many interested individuals in the related fields of law enforcement and corrections have expressed concern with the "bigness" of bureaucracy. They have been both witnesses and victims of the standardization and routinization, the interchangeability and the impersonality presented by this modern, economic machine. By definition, bureaucracy is designed to induce an impersonal and rational orientation toward tasks which is conducive to efficient administration. According to the technologists, efficiency suffers when emotions or personal consideration influence administrative decisions. Furthermore, if the operations of hundreds of employees are to be coordinated, each individual employee must conform to prescribed standards, even in situations where a different course of action might appear to be most rational. But does the behavior of the individual members of the bureaucratic organization correspond precisely to the organizational blueprint? Can employees become human cogs in a large inhuman machine? Peter Blau, one of the topmost authorities in this area, would tend to disagree. According to Blau, bureaucracy in operation appears quite differently from its abstract portrayal in the formal structure.* "Personal contacts and interactions" develop within the formal organization which result in an "informal organization" serving to protect the integrity and autonomy of the individual.

> When we examine sufficiently small segments of bureaucracies to observe their operations in detail, we discover patterns of activities and interactions that cannot be accounted for by the official structure. The work group is characterized by a network of informal relations and a set of unofficial practices which have been called its 'informal organization.'

Blau suggests that these observable deviations from the formal blueprint are not accidents but are instead socially organized patterns of interaction between the employees which constitute new elements of the organization. Patterned expectations and orientations among the employees arise in the course of social interaction within the work group which tend to structure it. In other words, deviations from the formal structure of the organization represent standards or norms which have emerged from the work group itself and which are shared by all its members. Such standards or norms will govern the behavior of the workers and will also constitute the most precise measure of the network of interpersonal relationships, which can be interpreted in terms of the self-image each agent has of his role in the work group and the attitudes of the other group members toward him.

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*Blau, Peter, The Dynamics of Bureaucracy, The University of Chicago Press, Chicago, 1955, page 2.

The fact that the members of a work group become interested in each other as individuals separate from their organizational roles is a necessary condition for social cohesion in the work group. These social ties within the group are not planned for in the formal structure of the organization, but result from common interests and the satisfaction group members derive from their social interactions. Once these cohesive groups exist in the bureaucratic organization, they develop their own standards of conduct and enforce them by threat of ostracism. By ostracism, it is not means that group members can remove the non-conforming member from his job, but rather that he can be effectively excluded from the informal networks, whose communications serve as lubricant to the bureaucratic machinery.

While a cohesive work group is a prerequisite for high moral and optimum performance of duties, this is not to say that all norms that arise in such groups contribute to the accomplishment of official tasks. Particularly in cases where there is conflict between members of the work group and supervisorial personnel, an attitude of sabotage or non-cooperation may prevail.

In other cases informal practices may have arisen that are explicitly prohibited by official regulation. The object of these practices is not to undermine efficient operation. On the contrary, the object may be more efficient achievement of organizational goals, for daily operation sometimes reveals that organizational rules are insufficient or may actually serve to hamper efficient management. The deviations from formal structure developed by a cohesive work group may thus constitute positive additions to the bureaucratic apparatus. In the furtherance of his inquiry, and by means of direct observation, Blau studied the behavior of officials in two governmental agencies, one a state employment agency and the other a Federal law enforcement agency. Blau analyzed these organizations on the basis of their daily operations and the interpersonal relationships of the government officials. He discovered that an individual's full acceptance by his colleagues into the work group was furthered by the extent of his interpersonal relationships and by the competence revealed in his work. Although, based on these two means of membership in the group, Blau found extensive interpersonal relationships within these bureaucratic organizations, there was a distinct difference between these interpersonal relationships and the intimate personal relationships usually found among friends. In the former, mutual obligations that officials assumed in their interpersonal relations on the job were clearly circumscribed and had significance only within the limited context of the work group. Thus, an agent had no obligation to his clients, his superior, or even his co-workers, except those specified by existing norms. Members within the work group treated each other as social types rather than as individuals, and if "friendships" did exist between officials, they usually involved members of different departments.

> The virtual absence of intra-departmental friendships was not accidental. The special character of intra-departmental relationships--personal interest in particular individuals, linked with clearly delimited social obligations--made them integrative and simultaneously assure that they did not interfere with bureaucratic operations in an unpredictable manner, as intimate friendships well might.

Although close relationships were not involved, the social cohesion which did exist contributed to effective operations by reducing anxiety and thus improving the quality of decisions made. Social cohesion made most agents secure in their departmental group by removing disruptive tensions and enabling them to remain detached in negotiations, even when clients became excited. The agent who was not sufficiently integrated to enable his to recuperate in the departmental group from the strains in the field had the strongest inducement to adopt an authoritarian approach with both his associates and his clients.

Blau observed in his study of the two governmental agencies that the "fearful overconformity" often presumed an innate danger of bureaucracy was not one of its intrinsic values. On the contrary, he found that bureaucratic conditions engender favorable attitudes toward change. The ritualistic adherence to the rules and regulations was not so much a matter of over-identification with the objectives of the bureaucracy or strong habitation to procedures as it was a condition of insecurity resulting from inadequate social relationships within the work group made acute by anxious concern with the attitudes and opinions of superiors. Also, the less the official's knowledge of the rules, procedures, and regulations, the greater was his resistance to changes in them. Therefore, if insecurity prevades the work situation, risks will always be selected in preference to novel means even though such means may be the most efficient path to the given goals.

Bureaucracies are thus not rigid structures as is popularly assumed. Conditions change and in the course of coping with them, the members of the organization establish new procedures and often transform their social relationships, thereby modifying the structure. The organized patterns which have not yet been officially institutionalized reveal bureaucracy in the process of change. Blau's findings in both the agencies he studied support his conclusion that congenial informal relations between co-workers--now completely impersonal--do exist and are a prerequisite for efficient bureaucratic operations.

> Administrative efficiency cannot be preserved by ignoring the fact that performance of individuals is affected by their relations with colleagues, but only by taking cognizance of this fact and attempting to create those conditions in the organization that lead to unofficial practices which further rather than hinder the achievement of its objectives.

SUMMARY

The overall point that can be drawn from theorists such as Max Weber and Peter Blau, is that bureaucracies are an essential feature of modern society. All of us must function within bureaucratic structures.

In considering the irrational and impersonal features of bureaucracies, one should not lose sight of the informal element of organization. Socially oriented patterns of interaction between employees must be considered. Patterned expectations and the orientation of the work group which arises in the course of daily social contact tends to restructure the bureaucracy. In other words, deviations from the formal organizational blueprint represent standards shared by members which have emerged from the work program. Such standards will govern behavior of the workers and will also constitute a precise measure of the network of interpersonal relationships. This network arises from the self-image each agent has of his role in the work program, and the attitude of other group members toward him.

Bureaucratic structure, both its informal and formal elements,set limits on what we can do, but at the same time provide us with resources for addressing the problem of delinquent youth which might not otherwise be available. One solution to the problem of a large caseload has been to formalize, standardize, and professionalize the display of warmth, sympathy, and understanding. Little attempt has been made to document the reactions of delinquent youth to this approach. The volume of traffic in a bureaucracy does not pressure on us, but it is possible to relate to clients in a constructive and humane way. As yet attempts to find this "way" have not proved too successful.

From "Symposium on Preventive and Social Psychiatry" (Walter Reed Army Institute of Research) in Criminal Law by Richard C. Donnelly, Joseph Goldstein, and Richard D. Schwartz, The Free Press of Glencoe, Inc., New York, 1962, pp. 429-432.

INTRODUCTION

The decision of the judicial officer may put the juvenile into a detention facility. This correctional process may have some unintended effects which should be part of our consideration in deciding on the values of this process. Here we return to an earlier theme in the readings, the "dramatization of evil." Goffman describes the characteristics of a total institution such as a correctional facility.

"CHARACTERISTICS OF TOTAL INSTITUTIONS"

"Totalistic Features. A basic social arrangement in modern society is that we tend to sleep, play and work in different places, in each case with a different set of co-participants, under a different authority, and without an overall rational plan. The central feature of total institutions can be described as a breakdown to the kinds of barriers ordinarily separating these three spheres of life. First, all aspects of life are conducted in the same place and under the same single authority. Second, each phase of the member's daily activity will be carried out in the immediate company of a large batch of others, all of whom are treated alike and required to do the same thing together. Third, all phases of the day's activities are tightly scheduled, with one activity leading at a prearranged time into the next, the whole circle of activities being imposed from above through a system of explicit formal rulings and a body of officials. Finally, the contents of the various enforced activities are brought together as parts of a single overall rational plan purportedly designed to fulfill the official aims of the institution.

"Mortification Processes. It is characteristic of inmates that they come to the institution as members, already full-fledged, of a home world, that is, a way of life and a round of activities taken for granted up to the point of admission to the institution. It is useful to look at this culture that the recruit brings with him to the institution's door--his presenting culture, to modify a psychiatric phrase--in terms especially designed to highlight what it is the total institution will do to him. Whatever the stability of his personal organization, we can assume it was part of a wider supporting framework lodged in his current social environment, a round of experience that somewhat confirms a conception of self that is somewhat acceptable to him and a set of defensive maneuvers exercisable at his own discretion as a means of coping with conflicts, discreditings and failures....

. . . .

The recruit comes into the institution with a self and with attachments to supports which had allowed this self to survive. Upon entrance, he is immediately stripped of his wonted supports, and his self is systematically, if often unintentionally, mortified. In the accurate language of some of our oldest total institutions, he is led into a series of abasements, degradations, humiliations, and profanations of self. He begins, in other words, some radical shifts in his moral career, a career laying out the progressive changes that occur in the beliefs that he has concerning himself and significant others.

"The stripping processes through which mortification of the self occurs are fairly standard in our total institutions. Personal identity equipment is removed, as well as other possessions with which the inmate may have identified himself, there typically being a system of nonaccessible storage from which the inmate can only re-obtain his effects should he leave the institution. As a substitute for what has been taken away, institutional issue is provided, but this will be the same for large categories of inmates and will be regularly repossessed by the institution. In brief, standardized defacement will occur.... Family, occupational, and educational career lines are chopped off, and a stigmatized status is submitted. Sources of fantasy materials which had meant momentary releases from stress in the home world are denied. Areas of autonomous decision are eliminated through the process of collective scheduling of daily activity. Many channels of communication with the outside are restricted or closed off completely. Verbal discreditings occur in many forms as a matter of course. Expressive signs of respect for the staff are coercively and continuously demanded. And the effect of each of these conditions is multiplied by having to witness the mortification of one's fellow inmates.

"We must expect to find different official reasons given for these assaults upon the self. In mental hospitals there is the matter of protecting the patient from himself and from other patients. In jails there is the issue of 'security' and frank punishment....

"In the background of the sociological stripping process, we find a characteristic authority system with three distinct elements, each basic to total institutions.

"First, to a degree, authority is of the echelon kind. Any member of the staff class has certain rights to discipline any member of the inmate class....

"Second, the authority of corrective sanctions is directed to a great multitude of items of conduct of the kind that are constantly occurring and constantly coming up for judgment; in brief, authority is directed to matters of dress, deportment, social intercourse, manners and the like....

"The third feature of authority in total institutions is that misbehaviors in one sphere of life are held against one's standing in other spheres. Thus, an individual who fails to participate with proper enthusiasm in sports may be brought to the attention of the person who determines where he will sleep and what kind of work task will be accorded to him.

"When we combine these three aspects of authority in total institutions, we see that the inmate cannot easily escape from the press of judgmental officials and from the enveloping tissue of constraint. The system of authority undermines the basis for control that adults in our society expect to exert over their interpersonal environment and may produce the terror of feeling that one is being radically demoted in the age-grading system....

"*Privilege System*. While the process of mortification is in progress, the inmate begins to receive formal and informal instruction in what will here be called the *privilege system*. Insofar as the inmate's self has been unsettled a little by the stripping action of the institution, it is largely around this framework that pressures are exerted, making for a reorganization of self. Three basic elements of the system may be mentioned.

"*First*, there are the *house rules*, a relatively explicit and formal set of prescriptions and proscriptions which lay out the main requirements of inmate conduct. These regulations spell out the austere round of life in which the inmate will operate....

"*Second*, against the stark background, a small number of clearly defined *rewards* or *privileges* are held out in exchange for obedience to staff in action and spirit. It is important to see that these potential gratifications are not unique to the institution but rather are ones carved out of the flow of support that the inmate previously had quite taken for granted. On the outside, for example, the inmate was likely to be able to unthinkingly exercise autonomy by deciding how much sugar and milk he wanted in his coffee, if any, or when to light up a cigarette; on the inside, this right may become quite problematic and a matter of a great deal of conscious concern....

"The inmate's run of attention, then, especially at first, comes to be fixated on these supplies and obsessed with them. In the most fanatic way, he can spend the day in devoted thoughts concerning the possibility of acquiring these gratifications or the approach of the hour at which they are scheduled to be granted. The building of a world around these minor privileges is perhaps the most important feature of inmate culture.... It will be understandable, then, that a constant feature of inmate discussion is the release binge fantasy, namely, recitals of what one will do during leave or upon release from the institution.

"House rules and privileges provide the functional requirements of the third element in the privilege system: punishments. These are designated as the consequence of breaking the rules. One set of these punishments consists of the temporary or permanent withdrawal of privileges or abrogation of the right to try to earn them. In general, the punishments meted out in total institutions are of an order more severe than anything encountered by the inmate in his home world. An institutional arrangement which causes a small number of easily controlled privileges to have a massive significance is the same arrangement which lends a terrible significance to their withdrawal.

"There are some special features of the privilege system which should be noted.

"First, punishments and privileges are themselves modes of organization peculiar to total institutions. Whatever their severity, punishments are largely known in the inmate's home world as something applied to animals and children....

"Second, it is important to see that the question of release from the total institution is elaborated into the privilege system. Some acts will become known as ones that mean an increase or no decrease in length of stay, while others become known as means for lessening the sentence.

"Third, we should also note that punishments and privileges come to be geared into a residential work system. Places to work and places to sleep become clearly defined as places where certain kinds and levels of privilege obtain, and inmates are shifted very rapidly and visibly from one place to another as the mechanisms for giving them the punishment or privilege their cooperativeness has warranted. The inmates are moved, the system is not."

SUMMARY

When an inmate first enters the institutional world he has a unique personality distinct from all others by virtue of his name, his family, his education, and his past experiences, each of which joins to form his individual self. But once within the confined world of the institution he is introduced to a series of degradation ceremonies by means of which he is stripped of his self-identity and fitted into an institutional mold.

This institutional mortification of the self is put into effect by the following: relieving the inmate of all personal identity, reducing him to a stigmatized status, closing off his communication with the outside world, burdening him with the collective scheduling of his daily activity, subjecting him to the echelon type of authority, and subordinating his needs to the institutional privilege system.

It is in terms of these institutional realities that some social scientists have raised questions about the extent of "rehabilitation" that can take place.

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